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Congressional Record

PROCEEDINGS AND DEBATES OF THE 81st CONGRESS, FIRST SESSION

SENATE

TUESDAY, JUNE 28, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Gracious Father, as the toil of a new day opens before us, we would lay before Thee the problems and perplexities which burden our hearts. May all our meditations be acceptable in Thy sight. Bring all our desires and powers, we beseech Thee, into conformity with Thy will. Bend our pride to Thy control. Give us inner greatness of spirit and clearness of vision to meet and match the large designs of this glorious and demanding day, that we may keep step with the drumbeat of Thy truth which is marching on in all the earth. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 27, 1949, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 27, 1949, the President had approved and signed the following acts:

S. 646. An act granting a renewal of patent No. 54,296, relating to the badge of the American Legion;

S. 647. An act granting a renewal of patent No. 55,398, relating to the badge of the American Legion Auxiliary; and

S. 676. An act granting a renewal of patent No. 92,187, relating to the badge of the Sons of the American Legion.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed a bill (H. R. 4705) to transfer the office of the probation officer of the United States District Court for the District of Columbia, the office of the Register of Wills for the District of Columbia, and the Commission on Mental Health from the government of the District of Columbia to the Administrative Office of the United States Courts, for budgetary and administrative purposes, in which it requested the concurrence of the Senate.

REPORT OF A COMMITTEE FILED DURING RECESS

Under authority of the order of the 27th instant,

Mr. DOUGLAS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 5240) to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils (including butter), and rice and rice products, reported it on June 27, 1949, without amendment, and submitted a report (No. 593) thereon.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. THOMAS of Utah, the Armed Services Committee, the Joint Committee on the Renovation of the Executive Mansion, and the Joint Committee on Atomic Energy were granted permission to hold sessions while the Senate is in session.

CALL OF THE ROLL

Mr. LUCAS. Mr. President, I have conferred with the Senator from Florida [Mr. HOLLAND] and the Senator from Utah [Mr. THOMAS], and they agree that a roll call should be had with the time consumed equally divided between the two sides.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LUCAS. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hendrickson	Murray
Anderson	Hill	Neely
Butler	Hoey	O'Mahoney
Cain	Holland	Pepper
Chapman	Humphrey	Robertson
Chavez	Ives	Russell
Connally	Jenner	Schoeppel
Cordon	Johnson, Tex.	Smith, Maine
Donnell	Johnston, S. C.	Sparkman
Downey	Kem	Stennis
Eastland	Kerr	Taft
Ferguson	Langer	Taylor
Flanders	Long	Thomas, Okla.
Frear	Lucas	Thomas, Utah
Fulbright	McClellan	Thye
George	McFarland	Vandenberg
Gillette	Magnuson	Watkins
Graham	Malone	Wherry
Green	Maybank	Williams
Gurney	Morse	Withers
Hayden	Mundt	Young

Mr. LUCAS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Wyoming [Mr. HUNT], and the Senator from Maryland [Mr. TYDINGS] are absent on official business at a meeting of the Committee on Armed Services.

The Senator from Illinois [Mr. DOUGLAS], the Senator from Colorado [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from West Virginia [Mr. KILGORE], the Senator from Nevada [Mr. MCCARRAN], the Senator from Rhode Island [Mr. MCGRATH], the Senator from Idaho [Mr. MILLER], and the Senator from Pennsylvania [Mr. MYERS] are detained on official business at meetings of committees of the Senate.

The Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America to the Second World Health Organization Assembly meeting at Rome, Italy.

The Senator from Tennessee [Mr. MCKELLAR] is absent on official business, attending a meeting of the Joint Committee on the Renovation of the Executive Mansion.

The Senator from Connecticut [Mr. MCMAHON] is absent on official business, presiding at a meeting of the Joint Committee on Atomic Energy.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. WHERRY. I announce that the senior and junior Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] and the Senator from Montana [Mr. ECTON] are absent on official business.

The Senator from Pennsylvania [Mr. MARTIN] is detained at a meeting of the White House Restoration Commission.

The Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Colorado [Mr. MILLIKIN] are in attendance at a meeting of the Joint Committee on Atomic Energy.

The Senator from Maine [Mr. BREWSTER], the Senator from Ohio [Mr. BRICKER], the Senator from Wisconsin [Mr. MCCARTHY], the Senator from New Jersey [Mr. SMITH], and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

The Senator from Connecticut [Mr. BALDWIN], the Senator from California [Mr. KNOWLAND], and the Senator from Massachusetts [Mr. SALTONSTALL] are detained at a meeting of the Committee on Armed Services.

The Senator from Indiana [Mr. CAPEHART], the Senator from Massachusetts [Mr. LODGE], and the Senator from Kansas [Mr. REED] are detained at meetings of the various committees of the Senate.

By order of the Senate, the following announcement is made:

The members of the Joint Committee on Atomic Energy are in attendance at a

meeting of the said committee in connection with an investigation of the affairs of the Atomic Energy Commission.

The VICE PRESIDENT. A quorum is present.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. Under the unanimous-consent agreement the time between now and 3 o'clock is divided three ways. On the amendment of the Senator from Florida [Mr. HOLLAND] it is divided equally between him and the Senator from Utah [Mr. THOMAS]. On the amendment of the Senator from Illinois [Mr. LUCAS] it is divided equally between him and the Senator from Ohio [Mr. TAFT]. On the amendment of the Senator from Ohio [Mr. TAFT] it is divided equally between him and the Senator from Utah [Mr. THOMAS].

Until the conclusion of the debate under the unanimous-consent agreement no Senator can be recognized for the presentation of petitions or memorials, the introduction of bills, or for any other purpose, except as he may have time yielded to him by some Senator in control of the time under the provisions mentioned.

The Senator from Florida [Mr. HOLLAND] is recognized.

Mr. HOLLAND. Mr. President, I yield 15 minutes to the junior Senator from Kansas [Mr. SCHOEPPEL].

Mr. SCHOEPPEL. Mr. President, I rise to speak on the pending question with some temerity. I am in favor of the Holland amendment, in which I have joined.

I am opposed to the seizure of plants by the Government, and especially in peacetime.

I know that reasonable men differ on this, and other, important matters regarding this legislation, and differ honestly.

Much has been said in this Chamber on the labor laws, past, present, and even future. I am not an expert on labor and management relationships. I do not pose as one. There are men in this body who by reason of their experience are skilled in labor laws and management affairs; and many have spoken upon the various amendments that were before us. But I think I speak correctly when I say that no one here has claimed to have the solution or perfect answer for labor-management disputes, or knows exactly the type of laws that will do the job of preventing crippling strikes.

I confess that I am confused. At the best the result will be a compromise, a give-and-take proposition; but it should be in the interest of all the people.

The question of labor-management relations reaches into the home of every single American—the employee, who wants a job and pay check; the investors, more small than big, who have saved and invested in some business and want a return and may be relying upon it; the employer, who gambled his money, built a factory and equipped it, and in producing makes jobs, turning out the products which people have learned to rely upon as necessities; the public—the consumer, the innocent bystander—who buys the goods and keeps our economy going.

Mr. President, when trouble comes, the first cry usually heard is, "Seize the plants or plant." Many say, "Let us seize plants rather than resort to injunctions."

I am sure that Senators who were present and heard my distinguished colleague [Mr. HOLLAND] reply to the seizure question recall the attendant evils of it. Thousands of litigated cases and claims involving staggering costs grew out of the seizures in World War I of the railroads and other industries. The experience with seizures during strikes and work stoppages in World War II brings to mind the seizures of Montgomery Ward, the motor carriers, the coal mines, and the railroads.

I commend to the Senate the statement made by the Senator from Florida on the floor yesterday. He pointed out that the Government took possession of the railroads January 1, 1918. They were under control for 26 months by the Director General of Railroads, who reported each year for a number of years. My colleague from Florida pointed out that the staggering cost of that seizure amounted to $1,616,000,000; and the claims against the Government of the United States are still coming in for consideration.

Some advocate plant seizure as a device to enable Congress to enact legislation permitting injunctions without specifying that result. Many Senators are familiar with the case of the United States against United Mine Workers in 1947, wherein the Court, in construing the Labor Disputes Act, decided that once the Government had seized a struck plant, if the workers refused to go back to work, the stoppage could be ended by an injunction.

I am willing to concede that during wartime we are called upon to conduct our affairs in a manner calculated to produce the most effective war effort without too much regard to the injuries or violence done to individuals. Yet the Congress, in passing the War Labor Disputes Act of 1943, which permitted seizures, recognized that the attendant evils should and would end with the termination of hostilities. I am sure that all Senators recall that the then President, Franklin D. Roosevelt, vetoed this act and set forth his reasons therefor.

The Congress of 1943—and some of my distinguished colleagues here today were Members then—at that time feared, and rightly so, the inherent dangers in the proposal of seizure. The Congress was wise enough to insure that no such device should be retained in peacetime.

I am sure it was the considered judgment at that time that it was undemocratic and dictatorial, and that the privilege could be abused. One sure way to undermine confidence in this country is to provide that plants can be seized by the Chief Executive. I care not how benevolent he may be, confidence in investments of all kinds will be dissipated.

Mr. President, a look at the record will disclose that the plant-seizure provisions in the War Labor Disputes Act did not prevent the occurrence of a number of strikes after its passage, despite the fact we had the highest wage scale in history, and a war on our hands, which should have prompted employees as well as employers to continue operations, if for no other reason than patriotic effort for our country. It is also significant to note that the act was not particularly effective in ending wartime disputes promptly.

Professor Mills, formerly National Labor Relations Board Chairman, in his book on organized labor, says that—

> The War Labor Disputes Act has probably had no appreciable effect with respect to minimizing the number of strikes (p. 773).

President Whitney, of the Brotherhood of Railroad Trainmen, said in 1947, before the House Labor Committee, that—"to extend seizure power to peacetime is a grave threat to free enterprise and labor in America"—1947 hearings, page 1546.

Plant-seizure provisions would set a dangerous precedent for any government. It would mean essentially that the Government would be taking over, without due process of law, the private property of an employer who had become embroiled in a labor dispute. If private property can be seized for that purpose, it can be seized for other purposes as well.

I can well envision many asking, Why should this procedure be invoked only against the employer and not against the unions in some manner? If Government is fair, if it is an impartial referee, then certainly sanctions must attach or apply to labor as well as management.

I am sure that no recognized labor leader would agree that seizure should apply to union property. Such a proposal would rightfully evoke the cry of dictatorship and a demand for the abolishment of seizure.

When seizure of plants was invoked in this country during the last war period much criticism followed because under seizure working conditions were changed by the Government. It is significant that those changes involved the increase of wages, as well as other minor changes. The employer found that he had returned to his hands a plant with new conditions, and a strike again threatened if he sought to change them.

In fairness, I must point out that the proposed legislation for plant seizures provides for maintenance of the status quo.

If workers in a free society must—and I believe rightfully so—be allowed individually the right to quit work freely, then when it comes to plant seizures, the employer has some rights which must be protected.

Mr. President, now briefly I wish to say something about the use of injunctions.

I think the people of this country want and admire the side that knows its own mind, says what it means, says what it will do, and then goes ahead and does it.

No one wants to be unfair to labor, irrespective of the accusations that from time to time have been cast about. Let us admit we live in an era of big things, whether it is government, labor, or business. Our responsibilities are big, too, when we deal with these factors—the

responsibility of being fair, impartial, and prompt in meeting emergencies.

No longer can we say we are not interested in how much trouble labor and management have. We are a delicate, sensitive nation in all our interlocked and interrelated affairs. We have seen this when the coal industry came to a halt, when steel plants closed down, when railroads ceased to function, when a citizen could not use his telephone, when blockades were thrown in seaboard areas, when creeping paralysis slowly moved across the country, affecting 140,000,000 of people.

Labor or management has no mandate to starve, or bring to the verge of starvation, millions of people, or cause almost 40,000,000 of gainfully employed people outside the pale of organized labor or organized business to be deprived of work or the means of livelihood. They have a right to bring about inconvenience, but not to destroy and disrupt irreparably, without their Government's interesting itself to see what causes the dispute and what can be done, impartially and fairly, to bring the parties together, and to determine on the merits, wherein lies the fault.

I think in all fairness a procedure should be available and invoked when a national emergency is threatened or exists because of a stoppage of work as a result of a labor dispute in a vital industry which affects the public interest.

That is why I favor spelling out plainly and forthrightly the right of injunction and its use in such cases by the Government of the United States, the one entity that should and must be above all interests. The injunction should be invoked, not in the attitude of forcing the settlement of the dispute, as some, I believe, erroneously say, think or would lead the people to believe, but for a limited period of 60 days during which time the impartial arm of the Government, in the person of the President of the United States, comes forward after the Presidential proclamation and the appointment of a board to investigate and seek to induce the parties to reach a settlement.

The President of the United States may direct the Attorney General to petition any United States district court having jurisdiction of the parties to enjoin such strike or lock-out; and if the court finds the grounds exist for the issuance thereof, it may proceed and issue an injunction.

Mr. President, who issues this writ? A man chosen for his known ability at the law, qualified in training and temperament, honest and upright. He is first appointed by the President of the United States, your President and mine; then he is passed upon and approved by the Senate of the United States. He is a screened man in every sense, a man presumed and, I think, eminently qualified to have said of him that he is open-minded, fair, and impartial.

If one such judge, or any of such judges, prove otherwise, it is to the lasting discredit of a President of the United States or a Senate, that permitted him to be advanced to this position on confirmation.

I mention this only because some there are who would have us believe that the United States district courts are not competent to decide such cases. I cannot agree with this view, if it exists. The integrity of the courts in these past 20 years has been proved too many times to shake my confidence in them.

When our courts have spoken, it is the duty of the citizen of this country to obey, subject to his appealable rights. Mr. President, there are some things that we do not bargain for in this country. One of them is respect for the law. That attitude rests within the mind and heart of all true Americans. Let no one tell you, Mr. President, that the workers of American will follow one—I care not who he might be—who would put himself or his zealous cause above the law of this land.

So, Mr. President, even though we may have gotten to the place where I fear we are open to the charge of playing politics, yes, vying for the votes of labor, I think within this great body, the Senate of the United States, there remains enough courage to face realities, to say what we mean, simply, forcibly, and fairly. Then labor and management will not only respect us, but will be in a position to know and understand that, disagree though they may, there will come a time and a situation when an impartial referee will step in to invoke the rules of the game and see that they are lived up to.

I shall vote for the amendments and, finally, for the law that in my judgment, meets these standards.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the Senator from Ohio.

The VICE PRESIDENT. The Senator from Ohio [Mr. TAFT] is recognized for 5 minutes.

Mr. TAFT. Mr. President, I spoke on this question yesterday evening at greater length. The Senate will find my remarks at the end of the Senate proceedings for yesterday.

I merely wish to say that I intend to support the Holland amendment. In my opinion the injunction procedure is an essential procedure if we are going to stop strikes for 60 days after negotiations break down, and give the President an opportunity, under the Executive power and with all the force of the Executive power and the emergency boards and the findings of fact which have been made by the boards, to undertake one last effort to settle the strike during the 60-day period before finally, in the worst case, it is necessary to call upon Congress to act.

Mr. President, if this amendment is adopted I shall then press for the adoption of my own amendment, which will add seizure to the injunctive provisions. But I would be opposed to seizure alone. It seems to me that injunction is the only thing that really will stop strikes. We have had cases of seizure in which the men refused to work, and then there is no remedy.

Therefore, in any remedy I think injunction is an essential weapon. I am glad to add the other weapon, largely because I think it meets the argument of labor that in some way injunction is looked upon as antilabor. I do not think it is; it works both ways. But to meet that argument and to meet that popular idea, if there is such an idea, I prefer in our amendment to add seizure also. I hope later on we may vote upon that amendment.

What seems to me a most illogical argument is that made by some Senators on this floor, who say they are going to vote against this injunction amendment, carefully defining, limiting, and spelling out the power of injunction, because they say there is an inherent power of injunction. "We are not against the injunction," they say. "Oh, no. But we think we would rather have it under some constitutional process." The whole argument is utterly illogical on its face. In the first place I do not think there is any right of injunction under the Thomas bill. If there were, under the general language of the bill, it seems to me that the express reaffirmation of the Norris-LaGuardia Act would deny such right of injunction.

In the second place, it is said that if we have seizure, then the Government can enjoin. I do not agree to any such conclusion as that. I do not think the United Mine Workers case goes that far. That was a case in which the Government itself had made its contract with the men and they had become employees of the Government. In the ordinary case the situation is different. In the case of a strike, if the Government steps in, the men have never worked for the Government. They never are going to work for the Government. They quit, and they stay quit. I see no possibility, then, in theory, that an injunction can be based on seizure.

In the third place, if opponents of the amendment really mean what they say, that they realize there ought to be an injunction in order to make the seizure effective, and in order to make the Thomas bill effective, then they ought to be willing to take our injunction provision, carefully limited to 60 days only. The injunction they have in mind, if there were ever to be an injunction, could go on for years, if there is any such power under the Constitution. They should take our injunction, limited strictly to matters affecting the national safety and health, and not have some vague idea that the President can say that this, that, or something else constitutes a national emergency. It seems to me we ought clearly to have the provision so drawn and limited that the injunction cannot be used by the President except to hold the status quo for 60 days while the parties proceed with free collective bargaining between themselves in an effort to settle their dispute, whereas if there is a constitutional injunction, then I believe it could be used to force a compulsory settlement. The President could use that power to say, "If you do not settle this dispute, then I will get an injunction, or I will seize the plant," and he could make it conditional in some way on something that is not related to the maintenance of the status quo.

The VICE PRESIDENT. The Senator's time has expired.

Mr. TAFT. So, Mr. President, it seems to me that the position of those

who oppose the Holland amendment on the ground that there are other kinds of injunction they would like to support, but which they do not want to mention in the open, for they do not want to say publicly they are for the injunction by voting for it, is one of the most cowardly and pusillanimous and illogical positions I have yet seen advanced on the floor of the Senate.

The VICE PRESIDENT. The Senator from Ohio has consumed 6 minutes. The Senator from Florida has had 20 minutes of his time.

Mr. THOMAS of Utah. Mr. President, we have been delayed momentarily. I shall take 3 minutes of my own time.

The VICE PRESIDENT. The Senator from Utah is recognized for 3 minutes.

Mr. THOMAS of Utah. The issue presented by this amendment has been thoroughly and exhaustively debated in the Senate during the past 3 days. The real issue on this amendment, Mr. President, is, Do we want to write into the Thomas bill a provision under which, since there is no preliminary seizing in the Thomas bill, the Government in effect is authorized to go into court on behalf of the private employers to seek an injunction against the possibility of a strike? The same issue is presented by the amendment offered by the majority leader, the senior Senator from Illinois [Mr. LUCAS]; but there is a difference. When the amendment offered by the senior Senator from Illinois takes injunction out of the Taft substitute there still remains the seizure provision, so that in theory the injunction being lifted and seizure being left, there is not that great gap which there is in the Holland amendment, which would confer the power to obtain an injunction in favor of a private employer. Since those who are enjoined would be restrained and have to return to work, if this amendment becomes a part of the law, we shall have undone all that we have tried to do since 1896 in taking injunctions out of labor disputes, and we shall have an immediate return of the injunction, so that the Government takes sides in favor of a private employer and causes laboring men to work for a private employer. That is the effect of the pending amendment.

Mr. President, I yield 15 minutes to the Senator from West Virginia [Mr. NEELY].

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The Senator from West Virginia is recognized for 15 minutes.

Mr. NEELY. Mr. President, in The Autocrat of the Breakfast Table, Oliver Wendell Holmes says:

> Sin has many tools, but a lie is the handle which fits them all.

The enemies of labor have many tools, but the brutal instrumentality known as government by injunction is the handle or device that fits them all. It is a part of the whip with which labor is flogged. Under its protection Baldwin-Feltz mine guards and labor spies beat and maim and murder toiling men and women for striking against starvation wages, inhuman hours of service, and intolerable conditions.

The labor injunction is the key that locks the door of the dungeon in which workers languish and rot for having violated a law made not by legislators but by a Federal, State, or municipal judge. American labor has suffered more from injunctions than Job ever suffered from the boils that covered his agonized body from the crown of his head to the soles of his feet.

To adopt either the proposed Taft or Holland amendment to the Thomas bill would be to perpetuate the judicial curse euphemistically called injunction government. All who hate tyranny and abhor oppression should vigorously oppose both these amendments to the bitter end.

Democracy's attitude toward judge-made law was expressed in the 1896 Democratic platform in the following ringing language:

> We especially object to government by injunction as a new and highly dangerous form of oppression by which Federal judges, in contempt of the laws of the States and rights of citizens, become at once legislators, judges, and executioners.

This platform declaration has never been repealed. It should be held inviolate by all members of the Democratic Party. It should not be completely ignored even by those who, by voice and vote, frequently demonstrate that they prefer reactionary Republican policies to the progressive bedrock principles of the party that was founded by Thomas Jefferson, vitalized by Andrew Jackson and immortalized by Franklin Roosevelt.

Attention is invited to certain other evaluations of injunction government by competent authorities who were under no sentimental obligations either to the Democratic Party or its platform.

Samuel Gompers, a very great leader of labor, said:

> If ever the time shall come (and let us hope and work that it never shall come) when government by dynamite shall be attempted, it will have as its main cause the theory and policy upon which is based government by injunction.

An outstanding, conservative Republican President of the United States, after he had become the Nation's Chief Justice, uttered these stirring words:

> Government of the relations between capital and labor by injunction is a solecism. It is an absurdity. Injunctions in labor troubles are merely the emergency brakes for rare use * * *. Frequent application of them (injunctions in labor troubles) would shake to pieces the whole machine.

The Honorable William Howard Taft, the distinguished father of the distinguished senior Senator from Ohio [Mr. TAFT], is the author of that blighting denunciation of government by injunction. He says that such government is a solecism. According to Webster's Dictionary, a solecism means, among other things, "a monstrosity," and a monstrosity is something that partakes of the qualities of a monster. In the lexicon of those who live by toil, "monster insatiate" and "labor injunction" are synonymous terms.

Let me appeal to conservative Senators to vote on the injunction amendment proposed by the Senator from Florida [Mr. HOLLAND] and that proposed by the Senator from Ohio [Mr. TAFT] in accordance with the condemnation of President Taft instead of following the leadership of this eminent President's senatorial son.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. TAFT. Possibly the Senator from West Virginia would like me to read what my father really said. He issued a number of injunctions. He always felt that labor was subject to law, like everyone else. He did not hesitate to issue injunctions when he thought they were properly called for by the law of the case. I should be very glad to put his full statement on labor injunctions in the RECORD, and I can assure the Senator that they are completely in accord with my own ideas.

Mr. NEELY. Mr. President, of course, the words of the Senator from Ohio are accepted at their full face value. But I trust that he will not expect me to doubt that his father's condemnation of government by injunction is a more accurate appraisal of that monstrosity than anything the Senator has ever said in its behalf.

Let it be remembered now, and remembered forever, that the Senator from Ohio is responsible for the law under which one Robert Denham, labor hater extraordinary, and arrogant general counsel for the National Labor Relations Board, is by his frequent use and abuse of labor injunctions affording conclusive probation of what President Taft prophesied or proclaimed, namely, the "shaking to pieces of the whole—American—machine."

Let me again warn my colleagues that there is a possibility that the Senator from Ohio will be the next Republican candidate for President. If that should come to pass, there would be at least a possibility that he might become the President of the Republic. He who is responsible for the venomous Taft-Hartley law and the desolating activity of Robert Denham under it would, if he should ever become President, be likely to use the injunction to govern labor to the limit proposed by the Taft or the Holland amendment if either should be adopted.

Mr. President, there is a serpent in our industrial Garden of Eden. It is a rattlesnake. It is commonly called the Taft-Hartley law. Its mouth is filled with deadly fangs. The most lethal of these is the one known as government by injunction.

The defeat of the Taft and Holland amendments and the adoption of the Lucas amendment will extract the murderous injunction fang from the abominable Taft-Hartley law. I entreat all Senators who are friendly to labor to vote and work for the Lucas anti-injunction amendment and to work and vote against both the Holland and Taft amendments which, if adopted, would perpetuate the injunction infamy.

It is my prediction that a number of Republican Senators will, regardless of their politics, vote according to the dictates of their conscience on these various amendments. It is my confident belief that the distinguished, able Senator from

Oregon [Mr. MORSE] and the able, distinguished Senator from North Dakota [Mr. LANGER], and a number of their Republican friends will, on the approaching roll calls, demonstrate their adherence to the principle enunciated by one of the world's greatest men, Abraham Lincoln, who said, in words or effect:

I am for the man and the dollar. But in a contest between the dollar that man made and the man that God made, put me down on the side of the God-made man every time.

A vote for the Lucas amendment will be a vote for the rights of God-made men and women. By supporting that amendment, I shall demonstrate my loyalty to a lofty Democratic platform pledge and, in imagination, place a new memorial wreath on the sainted Lincoln's grave.

The Holy Bible is, of course, the best and the wisest book in the world. It is as up-to-date as this afternoon's newspaper. It contains a terse and impressive story of judge-made government in the Old World more than fourteen hundred years before Christ. The advocates of judge-made injunction law should read this story in the first verse of the first chapter of Ruth, which is as follows:

Now it came to pass in the days when the judges ruled, that there was a famine in the land.

(At this point the Senate received a message from the President of the United States.)

Mr. NEELY. Mr. President, the message of the beloved President, whose words are "like apples of gold in pictures of silver," was more than welcome even though the time consumed by the interruption was subtracted from the 15 minutes to which, under the existing unanimous-consent agreement, my remarks must be limited. But, in the circumstances, I hope it will not be considered an unpardonable asperity for me to tell the following brief story:

It is said that the modern Croesus, J. P. Morgan, once became interested in a witty tramp and told him that if he would come to the Morgan banking office every Monday morning, he would be given $5. The tramp never failed to make his appearance at the appointed time. But eventually Mr. Morgan decided to reduce the weekly donation. Thereupon he instructed his secretary to act accordingly and to explain to the tramp that the reduction was necessitated by the fact that one of the great financier's daughters was to be married very soon and that her father considered it his duty to give the young lady some valuable wedding presents. The clerk obeyed his instructions to the letter.

The tramp, overwhelmed with disappointment and despair, said: "I suppose I'll have to submit to this highway robbery. But please tell Mr. Morgan that I hope he will not marry off any more of his daughters at my expense." [Laughter.]

If any more messages from the President arrive during the next two minutes, I hope that they will not be received at my expense.

Mr. President, resuming at the point at which I was interrupted, judges were created to judge. Wherever the judges have ruled the toilers by injunction, whether the victims were coal miners, railroaders, printers, or employees in some of the countless other industries of the Nation, there has been famine, weeping, wailing, and gnashing of the teeth.

The VICE PRESIDENT. The time of the Senator from West Virginia will expire in half a minute.

Mr. NEELY. Mr. President, let me close with the earnest entreaty that on the approaching roll calls Senators will show the world their loyalty to labor—to labor to whom everyone in this Chamber and everyone in this Nation owes a debt of gratitude greater than can ever be fully paid between now and the day of doom.

Let us stand against this monster of injunction government as we never stood before. And let us not only stand but let us fight—

Fight—till the last armed foe expires;
Fight—for our altars and our fires;
Fight—for the green graves of our sires;
God—and our native land.

Mr. THOMAS of Utah. Mr. President, I yield 13 minutes to the senior Senator from Florida [Mr. PEPPER].

The VICE PRESIDENT. The Senator from Florida is recognized for 13 minutes.

Mr. PEPPER. Mr. President, the amendment now before the Senate, I think it must be said, out-Tafts TAFT, for the Senator from Ohio, out of his experience with the act which bears his own name, has felt that the only fair approach to the problem here involved is to couple together the remedies of seizure and injunction. It remained for the authors of the pending amendment to strike out seizure and leave the bare weapon of injunction to be used against American men and women who may elect to exercise the right of a citizen not to work for a private employer for profit against their will.

Mr. President, we have the three proposals, the Taft amendment, seizure and injunction, after the Presidential proclamation.

We have the Douglas proposal providing for seizure, with the possibility that injunction might follow under certain circumstances, but with no express provision for injunction in the amendment itself.

Now we have the proposal offered by the authors of the pending amendment, which strikes out seizure, and leaves no doubt about injunction, makes injunction the principal weapon to be employed in an attempt to settle management-labor disputes.

Mr. President, I say that amendment out-Tafts the able Senator from Ohio. It is worse than the able Senator from Ohio thought the remedy should be. If at the last moment, as a matter of parliamentary and strategic and tactical extremity, the Senator from Ohio has felt compelled to announce that he would for the moment support this amendment, it is obviously more stringent and severe than he contemplated the proposal should be. I agree it is bad, it is dangerous public policy and the conferring of unwarranted power.

What does the amendment do? Section 304, on page 4 of the printed amendment, provides for the issuance of a proclamation. I read:

After issuing a proclamation pursuant to section 301 the President may direct the Attorney General to petition any district court—

That is, one judge, Mr. President, a lifetime appointee to the Federal bench, not a circuit court of appeals with more than one judge, but one district judge—

of the United States having jurisdiction of the parties—

That means almost any union, or any local of a national union—

to enjoin such strike or lock-out or the continuing thereof—

And later jurisdiction is given—

if the court finds that such threatened or actual strike or lock-out—

(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce—

It thereby opens the gate so wide that almost any segment of an industry could be considered included; so that the amendment would practically give the power of injunction respecting any industry in America—the production of milk, fuel of any sort, all the many things that constitute a part of our complicated economic and industrial process today. If the court finds that the continuation of the strike or lock-out will imperil the national health or safety, it—that is, this one district judge—shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof—and to make such other orders as may be appropriate.

The judge is given the specific power in an almost unlimited category of cases, and then there is a general catch-all authority which gives him the power to make any other order which he may deem appropriate to the circumstances.

Mr. President, what is the effect of such a power? We have an exhibit of it here in the opinion of Judge Goldsborough, who issued the first injunction under the Taft-Tartley law against the coal miners. This is what the judge said:

The strike by defendant union consists of a concerted stoppage of work on the part of the union which has continued since on or about March 15, 1948.

Then a little further on in his opinion the judge gets to the very heart of the matter we discussed the other day, as to what the section 502 saving provision actually means. The judge says:

The walk-out as set forth in paragraph 19—

That is, a concerted stoppage of work by the employees of these employers, although many of them were scattered over different parts of the country, not congregated in a certain spot.

The walk-out as set forth in paragraph 19 hereof did not constitute an exercise of the right of individual employees to quit their labor, as set forth in section 502 of the act, but was a strike on the part of the union.

So, Mr. President, let us not have any pretense or any deception; it is intended that, while a disgruntled individual, many individually quit work, if he and his colleagues withdraw from labor for their employer engaged in business for profit, it is a strike, and we would confer the power upon a district judge to enjoin that strike, which means the power to chain the employees to their jobs, or, if they quit prior to the Presidential proclamation, it compels them to go back to work.

Here is the order of Justice Goldsborough, and I have before me the orders of injunction in other cases. They all follow this pattern. I read:

Ordered, That the defendant * * * union, and its officers, agents, servants, and employees, and all persons in active concert or participation with them be and they are hereby restrained from continuing the strike * * * or engaging in a strike.

That means staying away from the job, and it compels the workers to return to the job which they may have left. Throughout the order the same pattern is followed, and it is followed in the other injunction applications.

What does that mean, Mr. President? It means that that one judge has the power for 60 days, during which time the laborers do not get a penny more wage, although they may be willing to quit work because of protest against inadequate wages, and not one onerous burden of their employment is improved. They are required by the judge to stay on the job and to give their labor and their strength to a private employer for his profit.

Mr. President, it is said the desire is to settle the strike in the public interest, but the employees are compelled to make all the concessions in the public interest. There cannot be found in the amendment one syllable that demands any concession from the employer during those 60 days.

Under the Smith-Connally Act, where the authority to seize was provided, there was the power in the War Labor Board to give an increase in wages or an improvement in working conditions to the employees during the time of the seizure. If there is to be seizure, that is the only fair provision that can be made, so that for the period of 2 months there will not come exclusively from the employees the concession that some say is necessary in the public interest.

Mr. President, labor has called the Taft-Hartley law a slave law, and there have been those who have repudiated that suggestion. It is not "slavery," they say. I have here definitions of "slavery" from Webster's New International Dictionary, second edition, unabridged. One of the definitions is "coercion." Does anyone deny that the court has the power, and that it is intended by the authors of the amendment that the court shall have the power, to require the workers to stay on their jobs, or if they have left them, to command them to return upon penalty of fine or imprisonment? Honest authors of the amendment have admitted that the power of contempt carries with it the power of imprisonment.

This is what the dictionary says coercion means:

The application to another of such force, either physical or moral, as to constrain him to do against his will something he would not otherwise have done.

That is the definition in Webster's New International Dictionary of coercion or slavery.

And again under the word "slavery" we find the definition:

The condition of, or like that of a slave; * * * a state of subjection or involuntary servitude; bondage.

I say that this amendment is designed to fasten again the power of coercion, involuntary subjection and servitude—yes, Mr. President, the power of slavery—upon the working men and women of America, to make them work against their will, without any increased compensation for a private employer for profit during a period of 60 days in alleged service of the public interest.

Mr. President, the candid have admitted that this problem so far has not been possible of solution. We do not know what is the right way by which the public interest can assuredly be protected in industries which are undoubtedly of national reach and scope. But I venture to assert that when the answer is found, it will not demand the concession exclusively from the employees. It may involve, sometime, compulsory arbitration, but the power of compulsory arbitration carries with it the power to command both the employer and the employees to make concessions.

This amendment lays its lash only upon the back of the employee. No one other than he alone is enjoined, under the amendment. It affects no one save him. He alone is constrained against his will to work for a private employer for profit during 60 days of his life, or to bear the pains and penalties of a contempt proceeding in a Federal district court, which may mean imprisonment.

Mr. President, I know we have passed that point in the solution of management-labor disputes. I know that method belongs to the repudiated past, and had not such provisions in the Taft-Hartley law met the indignation and the protest of the Nation, had its people not dedicated themselves to its repeal, however long it takes, we would not today be condemning the present law.

The VICE PRESIDENT. The time of the Senator from Florida has expired.

Mr. PEPPER. I am confident, Mr. President, the Senate will not, as it should not, go along with those who have offered this amendment.

Mr. THOMAS of Utah. Mr. President, I yield 4 minutes of our time to the junior Senator from Kentucky [Mr. WITHERS].

Mr. WITHERS. Mr. President, I do not feel resentful over the remarks which have come from the other side. I am not a coward. No one has ever called me a coward. I am not afraid of facing any issue. What may be construed as cowardice on my part is faith in the American people, faith in their loyalty, faith in their integrity, faith in their patriotism. But I can well understand how people may become cowards who lose faith in America and in her people. That is why I am slow to take any coercive measures against our fellow citizens who are just as loyal to America as we ourselves in the Senate are.

Mr. President, I realize that people oppose being required to work under coercion. I remember last year, when the Senate and the House were called into extraordinary session by the President of the United States, under his recognized power and authority, that the Members of Congress refused to act, and they adjourned within 3 weeks from the time they were called, because of resentment over the fact that the President had exercised his legal and constitutional power. That is merely evidence of how greatly people resent being coerced to do anything. The same spirit which actuated the Congress to show its resentment actuates all the American people to show their resentment when powers of coercion are attempted to be applied to them.

I think the noble Senator from Ohio, who made several great speeches on this subject, and who is indeed a very skillful lawyer, promises no panacea by his proposal. He himself said his own remedy was not a panacea. He says we cannot pass laws which will provide a permanent remedy to take care of any emergency which might arise. Why could we not say to the President that he may exercise such powers as may be necessary? That would not be spelled out specifically, but it would give him the authority to exercise his power and take whatever action may be necessary to deal with any emergency situation that might arise.

Mr. President, I think there is too much tempest in the teapot about this matter. I think too many on the other side are too sure of their opinion. I know the issue is a controversial one. It reminds me of what Charles Fox said to Oliver Cromwell, "Thou needest to know very much, for thou art indeed very positive."

I do not feel positive about this matter. I feel most humble. The more I would be inclined to coerce my fellow citizens to work the more humble I would feel.

It is no trouble to say that the other fellow ought to be coerced, but how did Members of Congress act last year—every one of them? Did not Members of Congress show their resentment at what they felt was coercion, and did not the Congress adjourn without passing a single line of remedial legislation which both parties in their platforms and in their declarations made to the American people had declared themselves to be in favor of? Each Member of Congress last year had the opportunity to stand up and show his good faith. But Members of Congress acted just as Americans would act, because they felt they were being coerced. Let the boys back home share the same privilege Members of Congress have.

Some Members of Congress say they are afraid of an emergency. I think the emergency arises in the hearts and the minds of those Members of Congress

themselves. They are afraid they are going to be deprived of conveniences. The able junior Senator from Oregon [Mr. MORSE] pointed out that we are not entitled to have an injunction issued on the basis of mere personal provocation. We are not entitled to have an injunction issued in order to prevent inconvenience to ourselves, as pointed out by the Senator from Florida. We are entitled to an injunction only in case the national safety is imperiled. How many times has it been imperiled in the course of the history of the United States? As the able Senator from Ohio himself has pointed out, not one single time. How many times would the proposed injunction justly be used? Some make out that it is something which is going to be used to deal with every little incident, or to gratify some whim, or for the benefit of some person who might feel that inconvenience would come to him. In the history of our country it has not been used rightfully within 100 years. There is nothing to worry about or fret about; so long as we have a free America we are going to be safe. So long as American principles prevail we are not going to have such an emergency as would throw us into rebellion. The able Senator from Ohio spoke of such an emergency as would amount to a rebellion. If such a time should ever come, the President has all the power he might need to meet that situation. I do not feel any alarm, Mr. President, because I still have an abiding faith in the American people.

The VICE PRESIDENT. The time of the junior Senator from Kentucky has expired.

Mr. THOMAS of Utah. Mr. President, I yield 6 minutes to the Senator from Minnesota [Mr. HUMPHREY].

The VICE PRESIDENT. The Senator from Minnesota is recognized for 6 minutes.

Mr. HUMPHREY. Mr. President, I believe there is very little new that could be added to the arguments which have been stated on the floor of the Senate. We have debated for weeks the issue of the injunction in labor disputes. We have had very eloquent and persuasive arguments from the proponents of the injunction in national emergencies. We have had equally eloquent, and I think even more persuasive, arguments from those who feel that the injunction would do more to aggravate the situation than to help it. So I think it can be stated that the argument has been pretty well exhausted. In the few moments which have been allotted to me I should like to summarize the case of those of us who are opposed to the injunction.

First, the issue is quite clear, in the vote which will soon be taken on the floor of the Senate. There are two amendments, one proposed by the distinguished junior Senator from Florida [Mr. HOLLAND] to amend the Thomas bill so as to include the injunctive provision. The second amendment is an amendment to the Taft proposal, to strike out the injunction portion.

Frankly, we are to have a counting, a showing of hands by those who are for injunctions and by those who are against them. I think it would be inappropriate and improper to brand anyone because of his convictions. There are those who believe deeply and sincerely that the injunctive process offers the relief which is needed. There are others who believe that the injunctive process offers no relief, and in fact aggravates and increases tension in the labor-dispute situation.

The other issue is whether the injunction is a fair instrument—not only whether we are for it or against it, but whether it is a fair instrument. The proponents say that they are not proposing that the private employer or the labor official shall have the right to seek an injunction. The issue is whether the Government of the United States, the President, through his Attorney General, with many appropriate safeguards, should have the right to go to a suitable district court and obtain an injunction in a national emergency. No matter how we may wish to dress it up, the fact is that the arm of government is to be used in a labor dispute, not on the side of the worker, not even on the side of the public, but definitely on the side of the employer.

The history of the injunction procedure in the courts of the United States in connection with injunctions which have been obtained by the President of the United States through the Attorney General is replete with evidence that the injunction has been used not for the public good, not for the public welfare, but for the employer—to do what? As the distinguished Senator from Oregon [Mr. MORSE] has pointed out repeatedly, to break a strike—to break a union.

There may be those who want strikes broken. I am not one who believes that strikes ought to be broken. I think they ought to be settled. There may be those who feel that labor is too strong. I submit that the answer is not through the injunctive process. The answer is through providing a standard of living in America under which the need for strong labor unions is no longer important.

I think there is another basic issue which should be brought to our attention. It was ably stated by the distinguished junior Senator from Oregon [Mr. MORSE] when he said that the injunction offers an opportunity to foster class warfare in this country. It pits one group against another. It puts government on the side of one group, and foists upon the American people the concept of class conflict. I submit that in a free economy there is no room for class warfare. In a Nation dedicated to the principles of freedom, the Government of the United States must stand as a neutral, impartial arbitrator, as the umpire of the rules of the game, rather than as a proponent on one side or the other.

Mr. THOMAS of Utah. Mr. President, I yield the remainder of our time to the Senator from Oregon [Mr. MORSE].

The VICE PRESIDENT. The Senator from Oregon has 6 minutes.

Mr. MORSE. Mr. President, I wish to make only a few brief remarks on the precise issues that are about to be voted upon in the Senate. I have already spoken at some length during this debate in opposition to the use of the injunction in labor disputes, but I think it worthwhile to summarize briefly what we will be voting for or against in the next three votes.

First, let us consider the amendment to the Thomas bill offered by the Senator from Florida [Mr. HOLLAND], for himself and other Senators. If adopted that amendment would amount to a declaration by the Congress that injunctions obtained by the Government are the only effective means for dealing with labor disputes affecting the national health and safety. Moreover, Mr. President, the Holland amendment definitely permits the use of injunctions at the instance of Federal officials, in aid of private employers. As I have pointed out heretofore, the result is to aline Government on the side of the employers in each case in which a strike or a threatened strike is enjoined, wholly without regard to the merits of the dispute. Even if there is no resort to the injunctive power, its mere existence weights the collective bargaining scales against labor. If issued, it poisons public opinion against the side enjoined, and history, both before the Norris-LaGuardia Act and since the Taft-Hartley Act, teaches that almost invariably it is labor that is enjoined, even though any impartial consideration of the merits of a particular case may demonstrate that industry is in the wrong.

The injunction deprives labor of its only effective weapon—actual or threatened economic force. While labor is disarmed and handcuffed for a period of up to 60 days under the Holland amendment, industry is entirely free to pursue its course in the dispute, secure in the knowledge that for the time being labor is prohibited from striking.

I do not understand that the proponents of the Holland amendment assert that it will settle or even appreciably aid in settling labor disputes. The most that is claimed is that the injunction preserves the status quo and thus in some undefined manner contributes to the ultimate solution of the controversy by forcing delay. But delay, enforced by court order, does not facilitate settlement of the dispute. The report of Cy Ching is crystal clear on that point. In his first annual report as director of the Mediation and Conciliation Service he stated that one of the conclusions to be drawn from the experience with 80-day injunctions in emergency disputes is that the injunction tends to delay rather than facilitate settlement of a dispute.

The issue on the Holland amendment is clear cut. Are we or are we not in favor of adding the injunction—that hated and wholly discredited instrument of compulsion—to the Thomas bill? If so, Senators will vote for the amendment. I urge, however, that Senators reject the proposal, and I shall vote against it.

The Lucas amendment proposes that all reference to the injunction be deleted from the Taft substitute for title III of

the Thomas bill. Those who oppose authorizing the Government to obtain injunctions in aid of private employers obviously should support this amendment. It is, in substance, the obverse of the Holland amendment, which would add injunctions to the Thomas bill.

The issue in this instance is equally clear-cut: Do we or do we not favor a statutory provision specifically empowering the Government to seek injunctions in emergency disputes?

As I stated when the Senator from Illinois [Mr. LUCAS] submitted his amendment, the possibility of injunctions in aid of Government operation, after seizure, still remains even though we eliminate specific reference to the injunction from the Taft substitute. However, we have an additional opportunity to register our views on implied injunctive power, in the event the Lucas amendment is adopted. Thus I say, Mr. President, that the Lucas amendment should be adopted, because it definitely eliminates the injunction in aid of private employers. We can later consider whether, with that authority deleted from the Taft substitute, we then wish to authorize seizure without placing any safeguards in the law governing use of the injunction during Government operation.

The Honolulu, Hawaii, dispute, raises very clearly the point which I have tried to drive home in this debate. What do the proponents of the injunction want? They want an injunction applied in Hawaii. For what purpose? In order to break a strike.

The otherwise great liberal newspaper in Washington, D. C., the Washington Post, in its issue of this morning, contains an editorial on the subject. I expected the editorial. I recognize that when one criticizes a newspaper as I criticized the Washington Post yesterday the chances are that the editor will reciprocate the criticism. I welcome it in this instance because the Washington Post is dead wrong in the position it has taken. The editorial of today is so poorly and fallaciously written that it resembles a chain reaction of Fourth of July firecracker duds. It is nothing but a series of non sequiturs. Let us go to the heart of this editorial. Imagine a newspaper which would have the audacity to print such a paragraph as this:

> The issue is one of national importance, and it is one of obtaining more responsible leadership in the longshoremen's union. There is no easy way to attain this end, but certainly it will not be advanced by arbitration of the sort requested by Senator MORSE that would play into Mr. Bridges' hands.

I am not playing into Mr. Bridges' hands, because I stand against everything in his political philosophy. But I say to the Washington Post that it has exemplified, as well as it could possibly be exemplified, how an injunction can be used in regard to a false issue. The issue in Hawaii is not the issue of Mr. Bridges' union leadership. The issue concerns wages, hours, and working conditions for the longshoremen. Neither the Big Five in Hawaii nor the Washington Post can get away from that issue. What the Washington Post is saying is that it wants an injunction to be imposed by our Government in order to break a union's leadership. Shame, shame, I say, Mr. President, that in 1949 a great newspaper would plead guilty to the very indictment we have presented in this debate, namely, that the injunction, when used, is used on the employer's side of the table. But the Washington Post would have us use the injunction to break a union or its leadership, and it confesses it in the editorial this morning. The Washington Post should be supporting the principle it professes to believe in, namely, arbitration of the merits of the dispute. The Bridges' leadership and the leftist philosophy of Bridges have nothing to do with the question as to whether it is right or sound for the Government to help the employers break a strike.

Mr. President, if we want labor cases decided on the basis of their merits, if we want them settled fairly, if we want to avoid the great strike-breaking weapon, the injunction, then let us vote against the Holland amendment. The proponents of the Holland amendment, as we can see if we analyze their apparent motives, do not want to preserve the right to strike, but they do not come forward with a direct amendment to abolish strikes. They hide behind the injunctive process.

The VICE PRESIDENT. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask that the entire editorial from the Washington Post be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARBITRATION IN HAWAII

Senator MORSE has cited this newspaper's plea for an injunction to end the strike that has throttled Hawaii as evidence of the Washington Post's antilabor bias. Our record on labor will stand—and, contrary to Senator MORSE'S, it at least is not doctrinaire. The Senator has suggested that the President offer arbitration between Hawaii's Big Five industries, which operate the stevedoring companies, and Harry Bridges' International Longshoremen's and Warehousemen's Union. This newspaper has consistently favored arbitration as a principle; but a condition and not a theory exists in Hawaii, and there are compelling reasons why arbitration at this juncture would be unfortunate.

Arbitration, to be successful, implies substantially equal conditions existing between the parties to a dispute. The conditions in Hawaii are not equal today. For 2 months Mr. Bridges has been enforcing a blockade against Hawaii's half million people. They, and not the Big Five, are the real victims of Mr. Bridges' power. Under these circumstances, arbitration would virtually confirm Bridges' position as economic dictator of the islands.

The Washington Post holds no particular brief for the Big Five. It may well be that the employers were foolish not to arbitrate in the first place, inasmuch as the union offered to arbitrate. But the fight has been over far more than equalization of wages between Hawaii and the mainland; it has been a battle for economic control of the islands. We don't like that kind of control whether exercised by the Big Five or by Mr. Bridges. Mr. Bridges has stated publicly that he is out to break the Big Five, and he intimates that a sugar strike is forthcoming. Nor has the record of arbitration with Mr. Bridges elsewhere been such as to commend it as a device for labor peace. Since the waterfront employers in San Francisco began arbitrating with the ILWU there have been 5 major strikes, and these certainly have contributed to the dwindling of San Francisco's commerce. Whatever may be said of the Big Five in Hawaii, their labor record in recent years has been relatively good. Since the war there has been no instance of an unfair labor practice in Hawaii filed with the National Labor Relations Board.

Senator MORSE makes a big point of the contention that an injunction would break the strike and injure the union. He shows a curious indifference, it seems to us, to how the strike has been and is breaking Hawaii. Indeed, the situation may well invite antitrust scrutiny, for with 35,000 members the ILWU has more adherents than all the other island unions combined, and the strangulation of Hawaii shows how absolute is its control.

The issue is one of National importance, and it is one of obtaining more responsible leadership in the longshoremen's union. There is no easy way to attain this end, but certainly it will not be advanced by arbitration of the sort requested by Senator MORSE that would play into Mr. Bridges' hands.

The best hope for early settlement is in the report of a fact-finding board appointed by the Governor of Hawaii. That report is due this week, and it may furnish a pattern for accommodation—unless, of course, Mr. Bridges is given reason to stall by virtue of indications that a request for arbitration is imminent. If the fact-finding report is rejected, we do not see how the President in good conscience and out of regard for the welfare of 540,000 American citizens can avoid asking for an injunction.

Mr. HOLLAND. Mr. President, I yield 15 minutes to the distinguished senior Senator from North Carolina [Mr. HOEY].

The VICE PRESIDENT. The Senator from North Carolina is recognized for 15 minutes.

The Senator from Florida has 29 minutes remaining.

Mr. HOEY. Mr. President, I wish calmly, deliberately, and dispassionately to discuss the amendment and some of the allied legislation which we have been debating in this Chamber for the past 3 weeks.

I am interested in labor legislation; I am interested in all the men and women and boys and girls of this country who work. Fortunately it has been my privilege to be numbered among the working people. From the time when I was 6 years old, until I was 12 years of age, I worked on the farm, and during that time I did everything a man would do on a small southern farm. At 12 years of age I went in a printing office, and completed my 4 years of service as a journeyman printer. I then began to edit and publish a county newspaper, when I was 16 years old. I continued that until I was 20, when I went to the legislature, studied law, and got a license when I was 21. Since that time I have been doing all the things that men do in the working world. Therefore, all my sympathies are with the people who work. I think I understand some of their problems. I went to work early, for two reasons: One, choice, the other, necessity; but I am glad for every single privation and hardship which it was my privilege to endure, because as a result I think I have a broader sympathy with

men and women who work and with those who undertake to serve in this day and time. I mention that as a prelude, to show that I have none of the feeling which some seek to ascribe to those of us who favor this amendment, as being adverse to labor. I think I can plead very truly that all my life I have been very much interested in all men and women who work with their hands and with their brains.

I might recall that in 1920, I was a Member of the House of Representatives. That was during Woodrow Wilson's administration. In that Congress, I supported a collective bargaining act. It was not popular then, nothing like so popular as it is today. Yet at that period, 29 years ago, I stood for legislation of that character.

Coming down to recent times, I supported the Taft-Hartley bill in the last Congress. I voted for its passage in the first instance, and I voted for its passage over the President's veto in the second instance. I did so because I believed in the principles of that bill. Notwithstanding all the denunciations of it, I stand here to say that it is the best labor bill we have had in the past 15 years. It has more fairness in it than the Wagner Act had, and I say that advisedly.

I do not contend at all that the Taft-Hartley Act was a perfect measure, because I believe it has needed amendment; and I think wherever experience justifies amending it, it should be amended. Consequently, I am supporting amendments to it. But essentially it dealt fairly with labor relations and it corrected some of the one-sidedness and prejudiced provisions of the Wagner Act, which not only was prejudiced in its provisions, but was even more prejudiced in its administration.

As Governor of my State, I had occasion to observe carefully the administration of the Wagner Act. From the National Labor Relations Board, an examiner and a prosecutor were sent to my State. When they came there, they went first to meet and confer with the union. When they had done that, they practically settled the case. The employer had no chance. They made their decisions, and then supported and maintained them. I thought that situation could be corrected, and I think the Taft-Hartley law did correct it, in that it put some fairness into labor relations.

It should be remembered that the Taft-Hartley Act was passed by a majority of all the Democrats and all the Republicans in the Congress. There were 93 Democrats in the Senate and House who voted against the bill, whereas 126 Democrats in the Senate and House voted for the bill, making a net majority of 33 Democrats who favored the adoption of the Taft-Hartley Act.

It has been said that this is a political measure. I do not so regard it. I think it touches the very economics and economic life of the Nation and touches American men and women in all the relations of life, and I do not believe legislation on such subjects should be based upon politics.

At the Democratic National Convention last year, I was a member of the platform committee. I opposed the declaration in favor of repeal of the Taft-Hartley Act. I announced at that time that I was opposed to that declaration. I opposed it not only from the platform of the convention, but also in the campaign. In the campaign, I supported the election of President Truman as the nominee of the Democratic Party; but at the same time I said I did not agree with his position or that of the Democratic platform in declaring against the Taft-Hartley Act, and neither did I agree with the other things in that connection for which our party stood. I had a right to take that position.

In that connection I point out that that platform plank does not stop with its declaration for the repeal of the Taft-Hartley Act but it also calls for the enactment of a fair labor measure. I point out that I do not think the Thomas bill is a fair labor measure. In my opinion, the proponents of that bill admitted that when they agreed to four amendments without even having a yea and nay vote on them in this body, in order to correct some of the imperfections of that bill and some of the omissions which, without explanation, occurred in that bill. These amendments improve the Thomas bill; but even so, it is wholly inadequate to meet the needs of this day and of the Nation in the days which lie ahead.

I call attention to some of the many injustices still contained in that bill. For instance, it permits a labor union to make any sort of contribution it wishes to make to candidates, either to elect or defeat them, or to a party; but it does not permit any other corporations to make any sort of contribution at all, and it provides a penalty of $5,000 or a jail sentence if they make a contribution to help anybody. It holds responsible every employer who makes a contract with a union, and yet it has no provision to make the union abide by its contract. Can there be any suggestion of fairness about a measure which deals in that sort of fashion with our economic relations?

Then, of course, it does not contain the injunction feature, and it does not contain the seizure feature. Personally I do not like seizure; but I am in favor of the injunction, and I am in favor of it without any sort of equivocation. I am in favor of the declaration made in this amendment; and it is the same as the Taft amendment in that respect. The Holland amendment provides for an injunction in case of national emergency.

Mr. President, it is a very strange situation that confronts the Senate in this respect. We hear those who are the proponents of the Thomas bill saying, and the President himself says, that he has the power to apply for an injunction in a national emergency. Yet we hear some of those who make speeches decry that power. They say there ought not to be a power of injunction and it ought not to be exercised, and not only that but it should not be invested in the President of the United States. Well, the President of the United States says he already has that power. The Attorney General of the United States says the President already has it. Many of the proponents of this measure say the President has it. If he has it, where is the crime in writing straight and clear in the law the limitations which shall attach when he undertakes to apply for an injunction?

This character of injunction is not comparable to those which existed in the days when injunctions were used for the purpose of destroying unions or stopping strikes, as some of my friends argue. In this instance the injunction is limited to times of national emergency; and before anyone can obtain an injunction from any United States district court judge the President of the United States must find that a national emergency exists, and in addition to that, he must find that the national security and health are imperiled, and only the Government can apply for an injunction. No private person or employer can apply for an injunction under this provision.

At a time when the national health and security are imperiled, and when we are in the midst of a national emergency, does anybody want to stop and say that the President of the United States should not have the power, clear and unmistakable, to go into the United States courts and to obtain an injunction to stop a strike and to protect the country? Do we want to leave our country helpless and defenseless in the presence of ruthless dictators who would take charge of affairs and who would utterly destroy and wreck our economy in their lust for power and in their desire to obtain authority? I stand with those who believe that this country ought to be protected. I stand with those who believe that it is the inherent right of the Congress to say to the President, "We stand by to give you the authority in any time of national emergency and of national peril to exercise the power of injunction and to protect the people of this land." Why should we not do that?

It is said there is something about such a procedure which is adverse to the unions. I am favorable toward the unions, but I believe that the unions should be controlled by the law just as anybody else. I do not believe the fact that a man belongs to a union ought to give him the right to violate the law. I do not believe that because people band themselves into a union they should rise above the law.

For that reason, I am also in favor of another amendment, the purpose of which is to do away with the closed shop. I do not think it is an American institution. We have about 15,000,000 people in America who belong to unions and who work. We have 45,000,000 who work for pay, and who do not belong to any union. That makes about 60,000,000 people employed in this country. I think the 45,000,000 who do not belong to any union have some rights which ought to be respected and protected. I believe in the right of every citizen to strike if he wants to do so. But I believe in the right of a man to work, if he wants to, and I think his right to work is just as sacred as is the right of any man to strike.

Furthermore, Mr. President, I do not believe that a man ought to be required to join anything in order to get a job. Only the other day a man from North Carolina came to my office. He had been a painter for about 15 years. He came here to get a job. He had one in Washington. He came to me and wanted to

borrow some money. He said he went down to get his job, but he found he would have to join the union before he could work. They wanted $100 to join. He had only $75. Then of course, after he pays the initial fee of $100, he must pay dues. I do not like the policy or the principle that in a great free country such as America any people can band themselves together and say, "You cannot work anywhere, unless you join a union." I think every man ought to have a right to join a union or not, just as he pleases, and his right to work should not be taken away from him because he exercises his right and choice. Seventeen States have either statutes or constitutional provisions against the closed shop, and I think in the Thomas bill there ought to be adopted another amendment which respects the rights of those 17 States and the rights of the 45,000,000 people who belong to no union in America, but who have to work for a living. They should have some consideration.

Mr. President, my time is about to expire. I want to come back to the injunction for just a moment. I am not one of those who are afraid of injunctions. I think this amendment is safeguarded as much as any proposition could be. It limits the power to get an injunction to the times of emergency and of national peril. Do any of us want to deny the right through our President and through the processes of our courts to protect our country in its whole economy, pleasure, and happiness, and likewise the serenity and calmness of the Nation? Do we want to deny to the President the right to have that power available to him when a period of emergency comes? I am unwilling to leave the country helpless and defenseless before those who would destroy it in their lust for power, in order to obtain yet greater power. Therefore I am in favor of the Holland amendment. I believe it is for the best interests of the workers and of the unions of this land. I believe it will do more to prevent the arising of emergencies and the increasing peril to our whole civilization than almost any other measure we could have. It will do a great deal to prevent national emergencies. It will stand as notice to all the world that the President has this power for the protection of the country and that, in the exercise of the power, he can bring security and peace to our people, even though we are faced by a period of national emergency on hand. For the consummation of that purpose, I shall support this amendment, and I shall do so in the full consciousness that it is fair to the workingman and is fair to all the people who constitute the great country we know as America.

The VICE PRESIDENT. The Senator from Florida has approximately 14 minutes remaining.

Mr. HOLLAND. Mr. President, in closing the debate on this particular amendment offered by my three colleagues and myself, I want first to correct one statement which I am sure was made through misapprehension on the part of the distinguished Senator from Oregon [Mr. MORSE], when he said that anyone who votes for this amendment is voting an expression that only the injunction is a worth-while tool for use in connection with the closing or threatened closing of national industries. That statement is not borne out by the facts, because after this amendment is voted on, and even if it be adopted, as I hope it will be, we shall still have a chance to consider, and to consider fully in two different proceedings, whether or not we want to add to the injunction provision a seizure provision which is suggested in different ways, and which will come up on two particular issues, on votes to be had at 2 o'clock and 3 o'clock this very afternoon.

The authors of this amendment felt, however, that the Members of the Senate were entitled to have one clear chance, one clear opportunity to pass upon the question of whether or not the injunction, standing by itself, should be included or excluded from the provisions of the act, which we hope will emerge after the final action of the Congress and of the President of the United States. The only way in which we felt it could be clearly and exclusively presented as a single issue, as to whether the Senators wanted the injunction to remain as a part of the tools to be used, or whether they wanted it to be excluded, was by offering this particular amendment in its particular form. After it is disposed of, regardless of what may be the disposition of the Senate, we shall still have the other two amendments pending, and we shall reach them. The adoption of this particular amendment by no means shuts off the consideration and action of the Senate upon the other two amendments. If, in the judgment of the Senate, it wishes to add seizure, it will have a full opportunity to do so hereafter.

Mr. President, I am for this amendment. I am for the amendment as a friend of labor and as a friend of industry. But particularly, I am for it as one who believes that our responsibility is primarily to the entire people of the United States and that if we do not have as a portion of the bill, whatever else is in it, when the bill passes at the end of this consideration, the provision that the injunction may be used by the President and the Attorney General of the United States fairly in behalf either of labor or of industry, but primarily in behalf of the welfare of the general public of the Nation, we shall have remaining an ineffectual piece of machinery, something which we cannot possibly hope will protect the public interest during the period of time when negotiations are continuing.

Mr. President, I think it is established beyond any peradventure of doubt, and at least it was admitted this morning by the junior Senator from Minnesota [Mr. HUMPHREY] in his expression on this floor, that the injunction provision of the Taft-Hartley Act has been successful in the carrying out of its primary objective, which was to keep men at work, to keep industries producing, to avert from our Nation and its economy and from the lives and existence of our people dangers attendant upon such things as the coal strike and the other strikes in national emergencies which were prevented within the last 2 years by the use of the injunction. It is true that in all six cases where the injunction was invoked, with the single exception of a few days in the coal strike between the original injunction and the time Mr. Lewis reluctantly complied with it, the injunction kept these vital industries running and protected the public.

I want to say to my distinguished colleague that I think, when he finds fault with the decision of Judge Goldsborough in the coal case, he is running counter to the feelings of millions of persons throughout the Nation, because we could almost hear the expressions of "Thank God" going up when it was learned that our people would not be confronted with a shut-down in the vital coal industry at that particular time.

I remind the Members of the Senate that that controversy was ended during the period of the injunction. In five cases out of six the use of the injunction was effective in giving time for the ending of the controversy, either within the period of the injunction itself, or within 3 or 4 days thereafter, without the public sustaining any injury as a result of the threatened shut-down.

When a tool has been used patriotically by the President and the Attorney General, who used it regretfully but as the only tool which existed whereby they could protect the public, when, in five instances out of six, it has given protection to the people and to the industries of the Nation in the past 2 years, how can anyone say it does not operate effectively and efficiently, and how can anyone say it does not operate impartially? It was designed for use by the President, who did not want that particular tool, but who looked around at all else he had—and he had everything that is in the Thomas bill—and found nothing which afforded any measure of protection against the injury threatening and impending, and that the only way to avert disaster would be through the use of the injunction.

The Attorney General went through with it. Proceedings were begun before able judges whose reputation, character, ability, and great legal acumen have not been questioned by anyone. After hearings were had, injunctions were issued upon a finding that grave disaster was imminent, and the injunctive process was the only way in which it could be avoided. How can anyone say that the injunction has not worked effectively?

Mr. President, I close on the question of the injunction by simply reminding Members of the Senate that the injunction works both ways. While it is designed primarily to protect the public, it may work either against labor or against industry. The fact that it has been used against labor in six cases should not by any means shut out from our minds knowledge of the fact that it is likely to be needed against industry in these days of a declining economy, when, just as surely as we are here on the floor of the Senate, there will be employers who will say, "We shall not continue to pay the rates of wages now being paid, and we shall not continue the present conditions of employment. If you want to continue to work for us, you must accede to some reduction, because we are in the midst of

a declining economy. We must make a small profit or else we cannot continue to render the important service which we are rendering to our people."

Mr. President, this tool is designed to be used and can be and will be used just as effectively in the one instance as in the other. I again call attention to the fact that it is not used primarily as against someone, but is used for someone. For whom? For all the people of the United States, because, when the coal industry shuts down, the life-preserving heat in the dwellings of a large number of persons is affected, and the operation of industries in which a large portion of our people are engaged is affected. It is a vital matter; it strikes right at the ability of our people in every community to continue in existence.

I pass from that to the question of seizure. I am opposed to seizure as a peacetime remedy. I think it would be unwise to include it in the bill. I call attention to the fact that we have not addressed our amendment to the Taft amendment. We have, to the contrary, addressed it to the Thomas bill. So, after it is engrafted upon the Thomas bill, there is still before us the question as to whether we shall have seizure. On the question of seizure I invite attention to the fact that heretofore it has not been used in peacetime. It is recognized as being undemocratic, unprecedented, and extravagant. It plays into the hands of big government and statism. It is the very antithesis of a democratic approach. For us to write into the statute books a provision for peacetime seizure would, I think, be of the most doubtful wisdom. I think we are entitled to have an opportunity to pass upon the retention of the injunction without there being involved within our choice at that time the question of seizure. I believe it is amply clear from the debate heretofore that our experience with seizure has been confined to times of war and immediately following war. Seizure has been exceedingly extravagant, extremely uneconomical, exceedingly inefficient. Seizure has left us severe headaches. The results of the seizures in the First World War are not yet over, Mr. President. The railroad seizure cost us $1,616,000,000 and it gave us such a headache that in the last war we did not even think about seizing railroads, except for brief periods when labor troubles threatened. We found out that the railroad managers knew more about operating railroads than did any agencies of the United States Government.

In connection with seizure, Mr. President, I should like to call attention to the fact that not only is there involved the question of the wisdom of seizure in time of peace, but there is involved also the question of the wisdom of injecting seizure as an alternative along with the injunction. If we wanted to open the doors of the temple and invite in the most disastrous and continuing sort of pressure and of political controversy every time one of these national issues arises, we shall certainly have followed that course if we write seizure in as an alternative method of handling the question, because every time a matter goes to the President, every time it goes to the Attorney General and is handled by him in the court, every time it goes to the lower court, and every time it goes to the upper court, here is an alternative, and here is one big pressure group on one side not particularly interested in the public welfare, demanding that this course should be followed, and another pressure group on the other side demanding with equal insistence that another course should be followed.

Mr. President, shall we place the President of the United States in such a position that he will be subjected to that continuous, vindictive pressure throughout the consideration of each issue which arises? Thereafter he will be subjected, just as surely as we are sitting here, to objections, criticisms, and all kinds of contumelious statements in which it will be charged that for some selfish or improper reason he has followed the course which he has followed. We do not want any such situation or any such proposal in our bill.

Mr. President, I close in the two minutes which I have remaining by calling attention to the fact that the Thomas bill, with all the excellent motives behind it, contains not the slightest bit of provision for an emergency which the President could not employ without the passage of any bill at all on the subject.

First, the President issues a proclamation. Second, the employees are asked not to stop working. Third, he establishes an emergency board, an investigation is made, followed by a report and recommendations. During all that time the parties shall continue or resume work and operations under the terms and conditions of employment which were in effect immediately prior to the beginning of the dispute, unless a change therein is agreed to by the parties.

Mr. President, there is not a word in that title of the Thomas bill which deals with emergency contests which will arise throughout the Nation or which gives to the President a single scintilla of power or a single bit of organizing activity which he does not already possess. If we pass the Thomas bill we do not give to the President of the United States any additional power to deal with such disputes.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, all time for debate has expired under the order of the Senate, and the vote will be taken now upon the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MYERS. I announce that the senior Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America to the Second World Health Organization Assembly, meeting at Rome, Italy. If present and voting, the Senator from Louisiana would vote "yea."

I announce further that the senior Senator from New York [Mr. WAGNER] is necessarily absent. If present and voting the Senator from New York would vote "nay."

Mr. SALTONSTALL. On this vote the senior and junior Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] who are absent on official business have a general pair.

The Senator from Montana [Mr. ECTON] is absent on official business.

The result was announced—yeas 37, nays 54, as follows:

YEAS—37

Brewster	Hickenlooper	Robertson
Bricker	Hoey	Russell
Butler	Holland	Schoeppel
Byrd	Jenner	Stennis
Cain	Johnson, Tex.	Taft
Cordon	Kem	Vandenberg
Donnell	Knowland	Watkins
Eastland	McClellan	Wherry
Ferguson	Martin	Wiley
Fulbright	Maybank	Williams
George	Millikin	Young
Gurney	Mundt	
Hendrickson	Reed	

NAYS—54

Aiken	Ives	Miller
Anderson	Johnson, Colo.	Morse
Baldwin	Johnston, S. C.	Murray
Capehart	Kefauver	Myers
Chapman	Kerr	Neely
Chavez	Kilgore	O'Conor
Connally	Langer	O'Mahoney
Douglas	Lodge	Pepper
Downey	Long	Saltonstall
Flanders	Lucas	Smith, Maine
Frear	McCarran	Smith, N. J.
Gillette	McCarthy	Sparkman
Graham	McFarland	Taylor
Green	McGrath	Thomas, Okla.
Hayden	McKellar	Thomas, Utah
Hill	McMahon	Thye
Humphrey	Magnuson	Tydings
Hunt	Malone	Withers

NOT VOTING—5

Bridges	Ellender	Wagner
Ecton	Tobey	

So the amendment offered by Mr. HOLLAND, on behalf of himself and Mr. HOEY, Mr. BRICKER, and Mr. SCHOEPPEL, was rejected.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Illinois [Mr. LUCAS] to the amendment offered by the Senator from Ohio [Mr. TAFT], to the Thomas substitute. Under the order of the Senate that amendment will be voted upon at 2 o'clock. The time between now and then is divided equally between the Senator from Illinois [Mr. LUCAS] and the Senator from Ohio [Mr. TAFT].

Mr. LUCAS. Mr. President, the time is divided equally between the Senator from Utah [Mr. THOMAS] and the Senator from Ohio [Mr. TAFT].

The VICE PRESIDENT. The Chair understood that the Senator from Illinois had control of half the time. The Chair will state that the time is divided equally between the Senator from Ohio [Mr. TAFT] and the Senator from Utah [Mr. THOMAS].

Mr. THOMAS of Utah. Mr. President, if the clock is correct, there are 48 minutes left. That means 24 minutes for each side.

Mr. President, I wish to take only enough time to state the situation with which the Senate is now confronted.

Mr. LUCAS. Mr. President, I make the point of order that the Senate is not in order. There is much confusion on the floor of the Senate Chamber and in the galleries.

The VICE PRESIDENT. The Senate will be in order. Conversation will cease on the floor and in the galleries,

and wherever else conversation is going on. Senators who are compelled to converse will please retire to the cloak rooms. Persons in the galleries who are compelled to converse will retire from the galleries.

Mr. THOMAS of Utah. Mr. President, in a way the pending amendment is just the reverse of the one which the Senate has just rejected, but in another way there is a vital difference between the two. By voting against the inclusion of the injunction in title III of the Thomas amendment we made it possible to keep that title clear, that is, as the bill is presented. The Taft amendment would change title III of the Thomas amendment and put into it both the injunction and the seizure features.

The amendment upon which we are about to vote, offered by the Senator from Illinois, would take from the Taft substitute all the injunction features. Therefore from the standpoint of the plain injunction principles those Senators who voted "nay" on the amendment which was just rejected, should vote "yea" on the amendment which is now before the Senate.

Mr. President, there is still another difference between the two amendments. Because of the fact that there is no seizure provision in title III of the Thomas amendment, had the Senate put the injunction feature in that title, it would have made it possible for the injunction to have moved against laborers who are working in private industry, and it would have brought about the most abusive use of the injunction ever known. Since the Taft substitute contains the seizure provision, there is a difference between the two. But the vote should be in favor of taking the injunction even out of the Taft amendment, because the injunction has proved itself to be bad, it has proved itself to be an act against labor, it has caused all organized labor in the United States to stand out wholeheartedly against it, because it has been used to their disadvantage.

Mr. President, the Senator from North Carolina [Mr. HOEY] has given us statistics in the address he just delivered. He showed that there are 15,000,000 organized workers in the United States, and 45,000,000 unorganized workers. He thought we should take care of the 45,000,000. If the working people of America are to be considered as being divided up in that way, surely we should think in terms of what is to the advantage of all the workingmen, and not what is to the disadvantage of all the workingmen, merely because certain employers want to take advantage of them.

Mr. President, those who have the affirmative on this question are entitled to the last speech. Therefore, I yield the remainder of the time at my disposal to the Senator from Illinois [Mr. LUCAS] with the understanding that he will use it to make a statement respecting his amendment.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). The Senator will state it.

Mr. LUCAS. How much time is remaining for the proponents of the amendment?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the Senator from Utah has used 5 minutes and that there remain 19 minutes at the disposal of those who take the affirmative position with respect to the Lucas amendment.

The Chair now recognizes the Senator from Ohio [Mr. TAFT].

Mr. TAFT. Mr. President, I have no objection to the affirmative having the opening and closing, and it seems to me there should be more of the time used in the opening presentation, but I have no objection to proceeding myself.

Mr. President, the matter before us represents a very curious parliamentary maneuver. At the beginning of the discussion we filed an amendment which has been before the Senate continuously. It is a proposal that in a national emergency the President be given all the power we could reasonably give him, for one purpose only—to maintain the status quo for 60 days. In effect what the amendment we propose does is to say that when the bargaining period comes to an end, when the negotiations between the parties break down, when the contract expires, then the President is given the power to step in and ask the parties to continue to work for 60 days, for fear that the cessation of work would threaten the national welfare—the safety and health of 145,000,000 people. That is the purpose of our amendment. It does not go beyond that. The question is how can we best accomplish that purpose.

We have seen repeatedly occasions when the President has attempted to call on workers to continue working, but they have not done so. There were three or four strikes before the Taft-Hartley law was enacted, and since then, when the men, once there was no longer any injunctive power, insisted on striking, or the employers insisted on their position to such an extent that the strike was forced, whoever may have been to blame in one way or another, the people of the country suffered.

In the Taft-Hartley Act we adopted the injunction, and it was used. So far as I know there was no labor criticism of the Taft-Hartley Act on the basis of that particular national strike injunction. I do not remember hearing any attack by labor on that particular feature of the law. It was used in five or six cases by the President himself, because he thought it was the best method of protecting the national health and security, and the best method to bring about a settlement. If he had not thought so he would not have used this power.

In the committee we listened to the complaints of the representatives of labor against the provisions of the Taft-Hartley law. No great exception was taken to this particular provision, but the claim was made that there ought not to be any power of injunction, because in some way an injunction was considered to be a reflection on labor, and once it was issued it was an indictment of labor. I do not agree to that, because the injunction is issued against both labor and the employer. It does not purport in any way to settle the merits of the strike. It says, "You must give up a modicum of liberty and continue for 60 days on the same terms to which you yourselves agreed a year ago, which cannot be too unreasonable." It calls upon both labor and the employer to continue for 60 days while the President, with all his executive power, with the special emergency board which he is given authority to establish, and with all the force of his own prestige and position, urges upon the parties the necessity of settling a strike before the strike actually occurs. That is the purpose of the law, and it has been reasonably successful.

But the labor people say that in some respects the injunction is a reflection on labor. When the Republican members of the committee sat down to discuss the subject we finally came to this conclusion: If the injunction is in any way regarded as a reflection on labor, we will give the President also the power of seizure. The power of seizure cannot be a reflection on labor. The power of seizure is simply a provision to take over the employer's plant. If it is subject to any interpretation, it is a reflection on the employer. We thought that if there were a real national emergency—so great that it threatened national health and safety—the President ought to have every reasonable power—the power of seizure, as well as the power of injunction.

In my opinion, the power of seizure without the power of injunction, which the Lucas amendment proposes to accomplish, is practically null and void. It is of no effect. We have had two cases in which there has been seizure, and in which, nevertheless, the men have refused to work. The theory is that in some way, once there is seizure, an injunction can be obtained. That is based upon very tenuous grounds.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. TAFT. I am sorry. I have not sufficient time. I cannot yield.

That argument is based upon the theory that once there is seizure the Government can obtain an injunction against its own employees. In the United Mine Workers case the workers were Government employees. The men were operating under the Krug-Lewis agreement—an agreement made by the United States Government with the men—and they had agreed to be employees. But there is no evidence whatever that the power of injunction would extend to a case in which the men never had worked for the Government—a case in which the contract had come to an end and the men had quit before the Government stepped in. There is no evidence whatever that those men would be employees of the Government. They never were. They are the employees of no one after that because they are not working.

So it seems obvious to me that seizure dos not necessarily imply any power of injunction. I believe that seizure, by itself, is a perfectly useless remedy, and a very unfair remedy, because it is aimed

only at the employer. So in our amendment we tried to establish a fair and equal division of powers. We feel that we are entitled to a vote from the Senate on the question, Do we want to set up a control to deal with a situation in which the President has the power both of injunction and seizure? Are we willing to say, "We will grant him powers which labor does not want granted to him, and we will grant powers which the employer does not want granted to him"? That is the effect of the Taft-Smith-Donnell amendment.

The distinguished Senator from Illinois [Mr. LUCAS] does not want the Senate to vote on that amendment. He does not want to give the Senate the right to say whether it wishes to adopt that particular method of solving national emergency disputes. He wants to eliminate the injunction feature and leave the seizure provision. Frankly, if he is successful in that effort, I shall oppose my own amendment, because in my opinion seizure alone is one-sided and ineffective.

I think we are entitled to a vote on the amendment as we have submitted it to the Senate. I feel that anyone who is reasonably fair in his approach to the problem must admit that the Senate ought to have a right to consider that particular proposal. It has turned down seizure alone. It has turned down the injunction alone. I think we are entitled to a vote on the question whether the Senate wishes to put them together in one provision, where they cannot be criticized as being one-sided. We are entitled to a vote on that amendment.

Therefore, I appeal to Senators to vote down the Lucas amendment. If the Senator from Illinois is sincerely trying to present a seizure amendment, he can offer his amendment as an amendment to the Thomas bill. This is no affirmative amendment. This is an amendment intended to prevent the Senate from voting on the most reasonable proposal that is before it. So I trust that the Lucas amendment will be defeated.

Mr. President, may I ask how much time I have taken?

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). The Senator has 15 minutes left.

Mr. TAFT. I yield 10 minutes to the Senator from Missouri [Mr. DONNELL].

Mr. DONNELL. Mr. President, the Senator from Ohio has so clearly stated the issue involved in the Lucas amendment that it is really unnecessary to make a further statement, but I shall attempt, as well as I can, to supplement in my own language what he has said.

The Taft amendment provides two remedies, first, the remedy by way of injunction, and second, the remedy by way of seizure. The Lucas amendment proposes to excise that portion of it which has to do with the injunction. Thus there would be left in the Taft amendment, if the operation proposed by the Senator from Illinois were successful, only the remedy of seizure. I submit that it would have been entirely appropriate had the Senator from Illinois desired to attack the Taft amendment in its theory, to have moved to strike out both the remedy of injunction and the remedy of seizure. But obviously the Senator from Illinois has elected to strike out the one remedy which he considers to be directed primarily against labor, and to leave in the provision which the Senator from Illinois conceives, I take it, to be designed primarily against management.

On the subject of seizure, I myself have had very considerable doubt, as I have stated on the floor of the Senate, and as I have indicated in a memorandum attached to the minority views, as to whether seizure is or is not an appropriate remedy. But to my mind it is perfectly clear that it is not advisable to adopt an amendment which provides for only one side of the case to be covered.

It seems to me that if the injunction feature of the Taft amendment is eliminated by the process proposed by the Senator from Illinois, we have left the plan by which the Government may take over the property of the employer, and we have no remedy whatsoever with respect to the continuance of the strike. The very thing which is the occasion for the national emergency, and which imperils the national health and safety, will not in any sense be covered by the amendment. It is the strike, or the threat of cessation of labor by a great concerted effort engineered by a great organization which brings to a head the imperiling of the safety and health of the Nation as an entirety. If that portion of the Taft amendment which provides for an injunction to prevent a strike from occurring shall be removed from the amendment, there will be nothing left in it except the provision that the Government may take over the premises of the business of the employer, and perhaps have the highly doubtful remedy which is implied, and which has been suggested on the floor of the Senate, the remedy that the President may have some implied power of seeking an injunction, on the theory that he has the inherent power to preserve the national interest.

We have a situation, then, if the amendment of the Senator from Illinois shall prevail, that possession of a business will be taken by the Government, and then we are confronted with one of two alternatives: Either that no power resides in the President to prevent, even under some inherent power that is suggested by the Attorney General, the carrying on of a strike which will imperil the national health and safety, or, on the other hand—and this is the other horn of the dilemma—we have the question of whether there is any limitation whatsoever on the power of the President to act by way of the exercise of the inherent power suggested by the Attorney General.

Mr. President, it seems to me that, in the first place, the Taft amendment clearly and reasonably defines and settles the question of whether the President does or does not have such power. The Taft amendment grants him the power to proceed by way of injunction. It expressly does so. It does not leave the matter to the whim or caprice of anyone or to a doubtful legal question as to whether the President does or does not possess the power which is claimed for him. On the other hand, the amendment very clearly limits the exercise of power, so that the President cannot, by invoking the processes of a court, take possession of the property for a period of more than 60 days.

So, Mr. President, I suggest, as has been in substance already so adequately set forth by the Senator from Ohio, that in the Taft amendment we have a perfectly logical course, one which defines accurately and clearly, and also limits the power of the President to secure an injunction, and thereby also secures to the great public of the Nation freedom from peril or danger to the health and safety of the Nation during the period of the injunction, and on the other hand provides for seizure, which in some cases may be justified.

Mr. President, to my mind the only doubtful portion of the Taft amendment is that which pertains to seizure. I can see some real argument against giving the President the right to seize a business at all. Nevertheless, certainly the doubt in that case cannot override, as I see it, the importance of the right with respect to the injunction, which by the Taft amendment is conferred upon the President.

Mr. President, this brings us back to the question of the merits of the injunction plan. All of us have heard it argued back and forth, and there is nothing I can add with reference to it, save only perhaps one observation which might properly be made with respect to an utterance today of the senior Senator from Florida [Mr. PEPPER], when he told us that under the injunction plan set forth in the Holland amendment, and likewise that set forth in the Taft amendment, one judge would have the power to issue an injunction. That is true; that power would be possessed by one judge appointed by the President of the United States and confirmed by the United States Senate, presumably possessing, as I think the great majority of our judges, from the earliest period of our history, have possessed, integrity and skill and learning. So I say it is no reflection on the Taft amendment to say, as was said by the senior Senator from Florida with respect to the Holland amendment, that it provides for action by one judge. There is no provision here for arbitrary action on the part of one judge. He must, in order to issue—yes, not merely to issue, but in order to have jurisdiction to issue the injunction—make a finding, first, that the threatened or actual strike or lock-out affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations or engaged in the production of goods for commerce; and, in the second place, before the court has jurisdiction to issue the order, he must find that, if permitted to occur or to continue, the threatened or actual strike or lock-out will imperil the national health and safety. Until those findings have been made, the court is without jurisdiction, under the terms of the Taft amendment, to make the order.

So it appears to me that a charge with respect to the Federal judiciary——

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. DONNELL. Mr. President, with the permission of the Senator from Ohio, I shall continue for 1 minute.

Mr. TAFT. I yield one more minute to the Senator from Missouri.

Mr. DONNELL. Mr. President, it seems to me that the charge that is made against the plan, namely, that only one judge will pass upon this matter, is not well founded. Indeed, experience has demonstrated, as the junior Senator from Florida [Mr. HOLLAND] so clearly pointed out, that in national emergency cases the action of one judge has protected the national interest, the national safety and health. I find nothing in the record so far to indicate that there has been any abuse whatsoever on the part of the one judge.

So, Mr. President, I earnestly plead with the Senate today in favor of the proposition that the Lucas amendment should be rejected by the Senate, and that the twofold remedy suggested and outlined in the Taft amendment should be permitted to be voted upon by the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. TAFT. How much time do we have remaining, Mr. President?

The PRESIDING OFFICER. Four minutes.

Mr. TAFT. I yield 3 minutes to the Senator from Vermont [Mr. FLANDERS].

Mr. FLANDERS. Mr. President, I find I must vote against the pending Lucas amendment, even as I voted against that presented by the junior Senator from Florida [Mr. HOLLAND]. The reasons which impel me are the same in each case.

Early in the consideration of labor legislation, I sought to outline for myself the principles on which this legislation should be based. It became clear that I should be guided by the following considerations: The legislation must hold the balance even between employer and employee. It must protect the rights of the individual union member. It must protect the national health and safety.

In many hundreds of letters and in scores of personal interviews I have supported these principles, and have found no one disposed to question them. I am, therefore, following them as a guide in determining my votes on the Senate floor today.

The amendment offered by the senior Senator from Illinois seeks to maintain the public interest by laying a burden upon the employer alone. It does not hold the balance even. Besides that, as the junior Senator from Florida so clearly showed yesterday, past experience with seizure has been unfortunate. It breeds litigation, and develops problems of adjudication which may take months or years to solve. So I cannot vote for the pending amendment.

I hope to have an opportunity to vote for the amendment proposed by the senior Senator from Ohio [Mr. TAFT]. It does hold the balance even, and under it the conditions imposed on either employer or employee are no more arduous or unjust. Organized labor is not confronted with the abuses which brought forth the Norris-LaGuardia Act. The injunctions are not sought for and granted on petitions of employers. They are sought for on petition of the President of the United States in the interest of the national health and safety. On the other hand, industry cannot have the same objection to seizures which, under the terms of the amendment, cannot be used by the Government to impose the conditions under which a strike shall be settled. Seizure can be used only to give further opportunity for the normal processes as of negotiation and conciliation. The balance is held even.

For these reasons, Mr. President, I must vote against the Lucas amendment.

The PRESIDING OFFICER. The Senator from Ohio has 2 minutes of his time left.

Mr. TAFT. I have no desire to use that time, Mr. President.

The PRESIDING OFFICER. Then the Senator from Utah is recognized.

Mr. THOMAS of Utah. Mr. President, I yield to the Senator from Illinois [Mr. LUCAS] whatever time is left to us.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LUCAS. Mr. President, when the Senator from Illinois offered the amendment to the Taft substitute, he made it very plain that he was attempting to strike out every word, every line, every syllable and every paragraph of the Taft substitute dealing specifically with the injunctive power, which in my opinion is the core of the emergency provision of the Taft substitute. There can be no question about that. I have never offered a substitute in the way of a seizure amendment, as has been reported from time to time by the press. I have said, time and time again, that the question of the seizure amendment would be taken care of in one way or another, following the vote on my amendment, which seeks to dispose of the injunctive features of the Taft substitute.

I desire to read section 304 of the Taft substitute:

> After issuing a proclamation pursuant to section 301 the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof or for authority for the President to take immediate possession and through such agency or department of the United States as he may designate to operate such industry, or both.

So, we have the plain, bald proposition before the Senate, through the amendment offered by the Senator from Ohio, to confer authority upon the President to use either the injunctive process or the seizure process, or both. It is amazing to find my good friend, the senior Senator from Ohio, saying that seizure alone is unfair, one-sided, and ineffective, that it is unreasonable, and that we are not fair in presenting this particular amendment in the form in which it appears. No one will deny, in the event the Taft substitute should become the law of the land, that if during the next 2 years we again should have seven so-called national emergencies, the President of the United States, under the Taft substitute, would never have to use the injunction at any time, if he did not want to. He could use the seizure method in all seven cases. For the Senator from Ohio to say that seizure standing alone is unfair, unworkable, and ineffective is to deny his own words and his own position in proposing his amendment as a substitute.

Mr. President, when the Senator from Ohio added seizure to his position with respect to the injunction, he admitted the weakness of the injunctive provision, standing alone. There can be no question about that. Otherwise, the Senator from Ohio would have stood alone where he stood 2 years ago with respect to injunction, and injunction alone. But, having placed seizure alongside the remedy of injunction, he admits that injunction standing alone is not proper and not right, and that the President of the United States should have the power to employ seizure as well as injunction. That is all there is to it.

For the Senator from Ohio at this late hour in this great debate to tell the Senate and the country that he is not going to vote for his own seizure amendment, in the event the Lucas amendment carries, is to deny what he has advocated from the beginning until the time the Lucas amendment was offered. It is wholly and utterly inconsistent with the language written into section 304 of the amendment. There can be no question about it.

For the Senator now to say that my amendment providing for seizure is a one-sided proposition in behalf of the employees is absolutely wrong. As stated over and over again in the debate, the great distinction is simply this: Under the injunctive remedy the situation is taken hold of immediately, and the employees are under court orders from that time on. Under the seizure provision the injunction, of course, as everyone must admit, is incidental. It can come about under certain circumstances and under certain conditions. It is, therefore, obviously untrue to say that seizure is aimed solely at the employer.

In any event, when the plant is seized in the first instance, the worker at that time is not under an injunction; he is working for his Government. I undertake to say that the workingman of this country is just as patriotic as his employer. The records in both World Wars show the record of patriotism both of the men in the shops and of their sons who went to war. When they are working for their Government and not for the employer, making a private profit for him, I undertake to say there will be a better opportunity in a great national emergency, to settle an industrial dispute in an amicable, a fair, and a just way, than would be the case if the injunction whip were put on the backs of the laboringmen from the very beginning. That is the distinction that is here made. When a great national emergency arises—we hope none will come, but if it should come—the men who sit around the bargaining table, honestly and faithfully attempting to bargain collectively, should have no strings attached to them. They should be free. They should have the right to bargain faithfully without intimidation from the courts through an

injunction and without any other type of interference. If it is possible to arrive at that sort of situation, we shall come nearer, during the cooling-off period, to adjusting and settling a dispute involving a national emergency than if the long arm of the court is around the necks of the men who are conferring, who are ready to strike, or ready to stop work, as a result of some grievance they may have.

Mr. President, there is another thing I have never been able to understand. Over and over again I have heard the argument as to how important the injunction is to the welfare of America. The great trouble with the average individual who does not thoroughly understand what we are doing is that he has a notion that the injunction to be used in the Taft procedure is the same as that which is used in the ordinary courts back home. Everyone knows that when there is a final decree of injunction before the local court, the party against whom it is issued is restrained and enjoined sometimes forever, for example, in the case of an injunction against committing a simple act of trespass. That is not the case here. Everybody knows that after 60 days under the Taft substitute the injunction is ended; there is not a single thing the Government of the United States can do thereafter, not one thing. I undertake to say that, under the Taft proposal, the President cannot declare a second national emergency. Under it there must be a new cause of action before there can be another injunction or another seizure; and when the men strike, the strike goes on and on, after the period of 60 or 80 days. There can be no question about that. So, after all, the injunction solves nothing. The only thing it does is to frustrate, more or less, the situation as it exists at the time and to make it worse rather than better.

I have never been able to understand how Senators on the opposite side of the aisle and some on this side of the aisle literally love the injunction. They embrace it with all their thought and with all the force at their command. They speak of it as though it were some God-given right which has been handed down from time to time. Yet, Mr. President, the one great institution in this country in which a strike would, overnight, paralyze the Nation, is the great railroad industry. Everyone knows that to be so. If one-third of the railroad workers of America should walk out tomorrow, we would find out from 2 days to a week's time we were confronted with an emergency which would threaten the health, safety, and security of this great country of ours. Yet, in the amendment offered by the able Senator from Ohio, it is provided, on page 7, as follows:

> The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

I am in favor of that provision. I think it is a proper provision to put into a bill of this kind. It shows beyond peradventure of a doubt that even though the Senator from Missouri [Mr. DONNELL], the Senator from Ohio [Mr. TAFT], and the Senator from Florida [Mr. HOLLAND] have been arguing all week long how important it is to have the injunction included in the bill, nevertheless the great institution known as the railway system of America, the one institution in which a strike could paralyze the national safety overnight, is exempted. Why? Because in 172 cases since the Railway Labor Act has been in effect grievances in that industry have been settled without the use of the injunctive power.

In a short while, Mr. President, through evolution and through education, the problems of the labor movement will be solved in the same way they have been solved under the Railway Labor Act. That is just as certain as is the fact that I am standing here. If the proponents of the Taft proposal are as much interested in the injunction as they pretend to be and if they want the country to believe that upon that one feature hinges the question whether any labor law will be a success, I can see no reason for making this exemption. As I say, however, I am satisfied that it is the proper thing to do. It is a thing which should be done with respect to all other laboring men. They should be placed in the same category, so far as the injunction is concerned, as are the men operating the railway systems.

Mr. President, this is a vital vote. We are about to vote on the same question as that on which we voted a short while ago. There is no difference. The Holland amendment attempted to add the injunction to the original Thomas bill. I am trying to take the injunction out of the Taft substitute. The Senators who voted against the Holland amendment should vote for my amendment if they wish to be consistent on the great question which is now pending before the United States Senate.

Mr. THOMAS of Utah. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. HUMPHREY].

The VICE PRESIDENT. The Senator from Minnesota is recognized for 3 minutes.

Mr. HUMPHREY. Mr. President, there seems to be a great deal of concern on the part of the distinguished Senator from Ohio that we shall not have an opportunity to vote on the Taft amendment, which includes the injunction and the seizure. The Senator from Ohio has deplored the amendment offered by the distinguished majority leader, the Senator from Illinois [Mr. LUCAS]. I think I should make a brief analysis of what has transpired. The Senate has voted against the injunction, 54 to 37. The United States Senate has indicated by its vote that the injunction is not only ineffective but is unfair. The Senate has voted that the injunction does not do anything more than keep men on the job against their will; that it does not protect the national welfare, according to the history of the Taft-Hartley Act, and, finally, that it does not promote the spirit of conciliation or mediation.

I was intrigued by the comments of the distinguished Senator from Ohio. I have taken the liberty of carefully noting exactly what the distinguished Senator said. He said, in referring to the amendment:

> Seizure alone, Mr. President, is unfair and ineffective.

The Senator from Ohio has stated again and again that "seizure alone is unfair and ineffective." The injunction has proven to be unfair and ineffective, by the record. Mr. Leiserson, Mr. William Davis, and Mr. Feinsinger have testified to that. It has been proved that it does not promote mediation or conciliation or settlement of a dispute.

Here is the admission from the Senator from Ohio: No. 1, seizure alone is unfair and ineffective. The Senate a moment ago voted 54 to 37 against the injunction.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HUMPHREY. The Senator does not yield. The Senator from Ohio is proposing that we take two ineffective and unfair measures, by his own admission, and join them together, and by adding together two negative quantities, two unfair measures, what do we get? We get the millennium. We get the answer to the problem of labor-management national emergencies according to the proposal of the Senator from Ohio.

I submit to this very distinguished body that if the record of injunctions in the seven national emergency disputes is one of failure, and it has been proved conclusively so to be, and if this distinguished body, by a vote of 54 to 37 has rejected the injunction, then I think we should follow the advice of the Senator from Ohio, and acknowledge that he is right in saying that seizure alone is unfair and ineffective. We know that the injunction alone, by the record, has proven its ineffectiveness. The question is, shall we join them together and, by some kind of a senatorial arithmetical, get the answer to solving the problems of national emergencies? The answer is quite obvious—of course not—such procedure violates all rules of logic and common sense.

Mr. President, I call upon the Senate to stand by the distinguished Senator from Illinois, the majority leader, and vote for the provisions of the Thomas bill which afford peaceful negotiation in an environment of fairness and equity.

Mr. THOMAS of Utah. Mr. President, I yield the remainder of my time to the Senator from Florida [Mr. PEPPER].

The VICE PRESIDENT. The Senator from Utah has no more time remaining. The Senator from Ohio [Mr. TAFT] has 2 minutes.

Mr. THOMAS of Utah. The Senator from Ohio gave up that time, Mr. President.

The VICE PRESIDENT. That still would not give the time to the Senator fom Utah.

The question now is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS].

Mr. WHERRY. I ask for the yeas and nays.

The yeas aid nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MALONE (when his name was called). On this vote I have a pair with the senior Senator from Louisiana [Mr. ELLENDER], who is absent by leave of the Senate on official business. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea."

The roll call was concluded.

Mr. MYERS. I announce that the senior Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America to the Second World Health Organization Assembly, meeting at Rome, Italy.

I announce further that the senior Senator from New York [Mr. WAGNER] is necessarily absent, and if present and voting would vote "yea" on this amendment.

Mr. SALTONSTALL. The senior and junior Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] are absent on official business and have a general pair on this vote.

The Senator from Montana [Mr. ECTON] is absent on official business.

The result was announced—yeas 44, nays 46, as follows:

YEAS—44

Aiken	Johnston, S. C.	Morse
Anderson	Kefauver	Murray
Chavez	Kerr	Myers
Douglas	Kilgore	Neely
Downey	Langer	O'Conor
Frear	Lodge	O'Mahoney
Gillette	Long	Pepper
Graham	Lucas	Sparkman
Green	McCarran	Taylor
Hayden	McFarland	Thomas, Okla.
Hill	McGrath	Thomas, Utah
Humphrey	McKellar	Thye
Hunt	McMahon	Tydings
Ives	Magnuson	Withers
Johnson, Colo.	Miller	

NAYS—46

Baldwin	Gurney	Robertson
Brewster	Hendrickson	Russell
Bricker	Hickenlooper	Saltonstall
Butler	Hoey	Schoeppel
Byrd	Holland	Smith, Maine
Cain	Jenner	Smith, N. J.
Capehart	Johnson, Tex.	Stennis
Chapman	Kem	Taft
Connally	Knowland	Vandenberg
Cordon	McCarthy	Watkins
Donnell	McClellan	Wherry
Eastland	Martin	Wiley
Ferguson	Maybank	Williams
Flanders	Millikin	Young
Fulbright	Mundt	
George	Reed	

NOT VOTING—6

Bridges	Ellender	Tobey
Ecton	Malone	Wagner

So Mr. LUCAS' amendment to Mr. TAFT's amendment to the so-called Thomas substitute was rejected.

The VICE PRESIDENT. The question now comes on the amendment offered by the Senator from Ohio [Mr. TAFT] in the nature of a substitute for title III of the amendment of the Senator from Utah [Mr. THOMAS] in the nature of a substitute. The time between now and 3 o'clock will be divided equally between the Senator from Ohio [Mr. TAFT] and the Senator from Utah [Mr. THOMAS].

Mr. TAFT. Mr. President, do I understand that there are 50 minutes which are divided evenly between the Senator from Utah and myself?

The VICE PRESIDENT. The remaining time is equally divided.

Mr. TAFT. Mr. President, I have already spoken on this subject so often that I hesitate to take further time of the Senate. I should be very glad to yield to anyone who wishes to speak in favor of the amendment.

I can state again very briefly the problem which is before the Senate. There has been developed in recent years monopoly control of industry and of labor in labor negotiations to a point where in various industries, if labor and management fail to agree, and if there is a strike, the entire country is tied up, and is subjected to hardship of one kind or another because of that failure of labor and management to agree. That is no more the fault of labor than the fault of management. In some cases labor may be to blame and in others management may be to blame. But in any event the public interest is concerned; it is deprived of conveniences, and even of the necessities of life.

In our amendment we have attempted to deal only with the one case where a strike is of such overwhelming nature that it endangers the safety and health of all the people of the United States. That is the condition with which we have to deal. I have said frankly before that no one has found the ultimate solution in dealing with that kind of a situation. In the last analysis it may go on until a general strike occurs.

There was a general strike in England in 1925, and the problem was what the Government should do about it. All powers were granted to the Government. The Government seized everything. It requisitioned all the trucks in England. The Government operated the trucks and delivered the food and the necessities to the people of the island. Probably we will not reach such an extreme situation here, but in various fields we may be so tied up that finally failure to solve the problem would threaten the destruction of the people of the United States. When we come to such a point, and the parties will not agree, the country practically faces a revolution and the President would have to be given broad powers equivalent almost to the powers given him in time of war.

I hope we will never reach that point. We never have reached it, although 3 years ago the President of the United States himself came before Congress and demanded from Congress the power arbitrarily to draft all the strikers into the Army of the United States, and, incidentally, all the labor-union leaders. I do not know what he was going to do with them. He asked Congress to give him the power to draft them into the Army and to seize the property, and to operate the property under Government supervision, with the use of the United States Army. As a matter of fact, the strike was solved perhaps by that threat alone. But in any event I hope we may never reach that point.

All we are trying to do now is to give the President some reasonable powers to deal with the situation when negotiations between labor and management have broken down. Let us say a contract is to expire on the 31st of July. Labor and management get together, and everyone thinks they are going to agree. No one expects a strike. But on the last day the parties fail to agree. That is the first time the public becomes aware of the situation. Then what can the President do? Under the Thomas bill he can take no effective action. All he can do is to call upon the men to continue working for 60 days while he appoints an emergency board to look into the situation. If the workers defy him, he has no power whatever. He cannot seize the property. He cannot use the injunction.

Mr. President, the sponsors of the various amendments all agree that we should say that a strike for a period of 60 days after the end of the negotiation period should be illegal. We should be able to maintain the status quo while the President uses the prestige of his office and all his powers, and makes use of the emergency board, to settle the strike. Everyone agrees on that. Everyone agrees that there should be a 60-day waiting period. There is no question that there is unanimous agreement on the part of everyone who has sponsored amendments to the labor bill before the Senate, that there should be that 60-day waiting period. But the question is, How is that to be brought about? If the men simply insist on striking, if the employer refuses to pay the sums which the workers think are right, and the plant is shut down, the President is left absolutely without power.

The Ives amendment, which was rejected, was very frank in its terms. It recognized that the President had no power, so it provided that he call Congress into session on the next day after there was a break-down. The Senate rejected that amendment because it did not feel that at so early a point Congress should be called into the matter.

It is up to us to give the President some power to use in his Executive discretion simply to enforce the provisions on which we all agree—that there ought to be no strike for 60 days. The only question that is before the Senate is, What powers should be granted the President? It seems to me the injunctive power is sufficient. I think the injunction operated in every case to keep the men working for 60 days, to keep the plant operating, to keep the people of the country supplied with necessities; and during the 60 days some progress was made toward settlement in every case. Efforts at settlement were not always successful; in some cases they were and in some cases they were not; but, at least, some progress was made. Under the injunction procedure, strike action was delayed for 60 days.

I have not heard much public protest against the emergency injunction provision. Let us look back at all the criticisms which have been made of the Taft-Hartley law. Senators will probably not remember any criticism aimed particu-

larly at the President's use of the injunction in emergency cases. He has made use of the injunction in such cases four or five times. I do not remember any criticism from the public of the President's use of the injunction in such cases. Criticisms were aimed at injunctions issued at the request of Mr. Denham's board dealing with secondary boycotts. But there was no resentment on the part of labor against the President's use of injunctions in emergency cases.

But when the proposal was made for repeal of the Taft-Hartley law, labor said that the injunction, if granted, implied that labor was wrong. I do not agree with that. The injunction, if granted, works both ways. It does not imply that anyone is wrong. The injunction simply enforces the provision of law that both parties maintain the status quo for 60 days. That is all the injunction does. I do not think it implies that labor is wrong or that the employer is wrong. I am quite willing to stand by the Holland amendment.

But, Mr. President, there is the psychological feeling on the part of labor that the injunction is in some way a reflection on them. I believe we can meet that criticism by adding a provision for seizure within 60 days, so that if the President found he could maintain a more equable atmosphere in a particular situation and remove labor's objection by seizing the plant, and labor would then be willing to go on and negotiate, he ought to have power to seize.

There has been much said to the effect that seizure would be unfair to the employers, whose plants were seized. Those who own the plants may be in the right in a controversy. I agree that the situation is somewhat one-sided. But with the injunction provision remaining in the law and along with it a seizure provision, it does not seem to me there would be anything unfair. If the emergency is of sufficiently dangerous proportions to justify the injunction, a move to preserve the safety and health of the people of the United States should be made. I agree that an injunction, making people work, even for a period of 60 days, is some limitation on the freedom which I would defend. But it seems to me that with the two provisions in the law the employer would not be able to say, "But there should not be seizure of my plant. That is unfair to me."

I believe that if we face a national emergency the President should have power during 60 days to try to settle the dispute. I believe my amendment is a reasonable one. I believe it is equitable. I believe we can fairly say to labor, "Look, you must behave, but we also are going to put into the law the seizure provision to see that the employer behaves." That is a fair proposition. The law should be availed of only in case of greatest emergency, an emergency which justifies seizure as well as the injunction. Both provisions are very limited. The injunction provided for is nothing like the old injunction which at one time was used in every labor dispute and put the Federal courts into the business of regulating every strike. It is simply a measure to enforce the prohibition of the strike during the 60 days.

Likewise the seizure provided for is nothing like the seizure during the war. The Government cannot step in, as it did upon one occasion, and negotiate with the employees, or make a new contract, or new terms, which are then fastened on the employer. The Government cannot step in and deal with or for the employees. The status quo must be maintained for 60 days; and at the end of 60 days the Government must step out. Then is the time, if all efforts have failed, when Congress may have to be called together. If at that time the people are in danger of starvation or death, there will be no remedy except a complete emergency law to deal with that particular strike and no other—the kind of law which I would not want to see permanently on the statute books of the United States.

So I believe we have here a perfectly reasonable amendment. I do not see how it can be logically opposed by Senators who are saying in every other breath that the right of injunction is contained in their own proposals. The distinguished Senator from Utah admits, and the President claims, that under his bill there is the right of injunction. If he has the right of injunction, it is a very dangerous kind of right. It is one that could be used under any circumstances which the President might call a national emergency. It is a right which should be clearly defined; and we have the right clearly to define it. All those who claim that the right exists admit the right of Congress to define it. So those who claim that there is such power of injunction should be for this amendment, because it limits the power of the President against labor, rather than extending it.

The distinguished Senator from Illinois [Mr. LUCAS] and other Senators say, "We are for seizure, because we think seizure implies an injunction." I do not think it does. I think their whole argument is incorrect. I do not believe that the United Mine Workers case says that when the Government seizes a plant it can obtain an injunction. But if Senators believe that the President can obtain an injunction under such circumstances, why do they oppose a measure which gives the President power to obtain an injunction and exercise the right of seizure at the beginning of the strike, instead of moving in and finding that the men have gone? Frankly, under the United Mine Workers case, I do not see how the President can get an injunction; but Senators have said that they think he can get an injunction. If they think so, why are they not in favor of having Congress define and limit the injunctive power in accordance with the provisions of the Taft-Smith-Donnell amendment?

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BALDWIN. I notice that in section 304, subdivision (a) there is the following language:

> After issuing a proclamation pursuant to section 301 the President may direct the Attorney General to petition any district court of the United States.

Do I correctly understand that it is the Senator's interpretation of this language that at that point the President shall have discretion as to whether or not he will petition the court? Under the Senator's amendment would it be possible for the proclamation to be issued and the emergency board to be appointed, without the necessity of either an injunction or the seizure of a plant?

Mr. TAFT. The Senator is correct. The President would have complete discretion. If he were to call upon the parties to continue operations, and they continued the status quo, there would be no reason why he should get an injunction or exercise the right of seizure.

Mr. BALDWIN. That would depend entirely upon his discretion.

Mr. TAFT. That would depend entirely upon his discretion.

Mr. BALDWIN. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. BALDWIN. Do I correctly understand that the Senator interprets the language to mean that the President may ask either for an injunction, or for seizure of the plant? Would he have discretion in that respect?

Mr. TAFT. That would be within his discretion. My impression is that he probably would always ask for both, but the procedure might be varied in particular cases. Obviously if he asked for seizure he would probably ask for injunction at the same time, because he would not be sure that the men would continue working, even if he seized the plant. I am certain he would like to be sure of that.

Mr. BALDWIN. Mr. President, will the Senator further yield?

Mr. TAFT. I yield.

Mr. BALDWIN. Does the Senator interpret the language to mean that the court may in its discretion require notice of a hearing on the question of the issuance of the injunction, or on the question of seizure, or both?

Mr. TAFT. Yes. The court may require notice. Of course, as a matter of fact, the entire public interest is centered on the question. There is notice of the hearing in every newspaper in the United States. Under the Norris-LaGuardia Act, an injunction could be obtained for 5 days without notice and without hearing, but that was only temporary. There would be no difficulty about full hearing under this provision.

Mr. BALDWIN. I may say that under the law of the State of Connecticut, in a labor-management dispute, an injunction of any kind cannot be obtained ex parte. There must be notice and hearing. Does this provision leave the door open, so that that could be done under the Federal law, in the direction of the court?

Mr. TAFT. Surely. Moreover, as I have stated, the provisions of the Norris-LaGuardia Act permitted a temporary restraining order for 5 days, but no longer than 5 days. An injunction for a longer period required notice and hearing. That would undoubtedly be the

practice followed by the court in this case. As I have said, in most cases full notice would be given before the hearing, and the court would want such notice.

Mr. BALDWIN. There would be no departure from the Norris-LaGuardia Act, even in an emergency situation, except insofar as it is specifically provided for in this particular provision.

Mr. TAFT. The procedure would be governed by rule 65 of the Federal Rules of Civil Procedure, which were revised last year. It provides that—

> No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period.

Mr. BALDWIN. The only one who could make such an application, under this amendment, would be the President of the United States.

Mr. TAFT. The Senator is correct.

Mr. President, in line with the procedure followed with respect to the previous amendments, I ask that we have the right to close, and that the Senator from Utah now proceed.

The VICE PRESIDENT. The Senator has 8 minutes.

Mr. THOMAS of Utah. Mr. President, as the Senator from Ohio has said, this question has been debated back and forth. I merely wish to reiterate what I have said time and time again, and to add one further quotation. I have gone to the trouble to go back to the definition of the President's powers at the very beginning, when our country was at its very worst. I quote from Attorney General Bates, in rendering his opinion to President Lincoln at the beginning of the Civil War. This statement is no stronger than statements which have been made on the floor of the Senate, but at least it brings home the point to all those who have a fear that we must give the Executive certain rights or this country will fall to pieces:

> The duties of the office comprehend all the executive power of the Nation, which is expressly vested in the President by the Constitution (art. II, sec. 1) and, also, all the powers which are specially delegated to the President, and yet are not, in their nature, executive powers. For example, the veto power; the treaty-making power; the appointing power; the pardoning power. These belong to the class which, in England, are called prerogative powers, inherent in the crown. And yet the framers of our Constitution thought proper to preserve them, and to vest them in the President, as necessary to the good government of the country. The executive powers are granted generally, and without specification; the powers not executive are granted specially and for the purposes obvious in the context of the Constitution. And all of these are embraced within the duties of the President, and are clearly within that clause of his oath which requires him to faithfully execute the office of President.

It has been said time and time again that the aim of our bill is to go back to the time of the Norris-LaGuardia Act in regard to injunctions and seizures. The Taft amendment provides for injunctions as well as for seizures, and it seems to me that it brings about confusion in the labor mind.

It was said yesterday that the President's power was changed in some way or other by the Norris-LaGuardia Act. I disagree wholeheartedly with that statement. The President's powers have not been curbed or changed by the Norris-LaGuardia Act. The question is whether our country shall continue in the orderly way in which it has proceeded since its beginning.

The Senator from Ohio has pointed out that we have not had such emergencies very often, that they have not bothered us, that the President's power as to them has not been questioned, and that even when the President has made certain suggestions in that connection, the Congress in its wisdom has not seen fit to follow them. I believe the one-hundred-and-fifty-odd years of our experience with Presidents of the United States is sufficient to satisfy us.

I now yield 5 minutes of my time to the senior Senator from Florida.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The Senator from Florida is recognized for 5 minutes.

Mr. PEPPER. Mr. President, upon reflection it will appear that the ones who are inconsistent in this matter are not we, but the Senator from Ohio and those who adopt the position he takes. He is saying that in order to deal with a national emergency and in order to make the national interest secure, it is necessary to amend the Thomas bill in such a way as to give the Government of the United States either the power of seizure or the power of injunction, or both. He says that unless the Government of the United States has such power, the national health and safety cannot be assured.

Yet, Mr. President, it has already been pointed out that in the last section of the amendment of the Senator from Ohio it is stated that—

> The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

All of us know, as has been said many times, that a tie-up in the transportation system of the United States would do more to strangle the United States and to paralyze its economy than almost anything else which could occur would do. We generally have on hand a 30- or 60- or 90-day, or more, supply of coal. Ordinarily we think of the coal-mining operation as being one essential to the national health and safety. We can generally get along for 1, 2, or 3 months without having new coal brought out of the earth. But Mr. President, what would happen to the United States if the railway system stopped for 12 hours or 24 hours or 1 week or 2 weeks or 3 weeks or a month? Yet the Senator from Ohio would not change the Railway Labor Act, which governs management-labor controversies in the transportation system; and the Railway Labor Act gives neither the power of seizure nor the power of injunction, and assuredly not both, although both are provided by the amendment of the Senator from Ohio as to other industries.

We never have had the power of seizure in the Government of the United States, except in respect to the railroads, by the act of 1916 or 1917, which was a peculiar case, until the Smith-Connally Act in 1943, which soon expired. That was all we resorted to, even in war time, and that was an amendment to the Selective Service Act. We never had the power of the Government, expressly provided by statute, to secure an injunction in a district court, until the Taft-Hartley Act in October of 1947. If we have gotten along from the inception of the Nation until the present time—except for a brief interval from about 1943 to the end of the war, when there was the seizure power under the Smith-Connally Act—without the Government having the power to take over private property as if it belonged to the public, without paying just compensation for it, without having compensation proceedings had, and without provision for the right of the owner to be heard; if we have never had that power except during the recent war, for a brief period until the cessation of hostilities, I believe we do not need it now. If we never have provided that the Government shall have power to coerce men to stay on their jobs and to keep men from exercising their personal liberty, the freedom of the body, which God gave them, if we have not restricted that power until the time when the Taft-Hartley bill was enacted, I cannot believe that such legislation is necessary now for the health and safety of the United States. Especially, Mr. President, if the Senator from Ohio does not seek to apply it to the transportation system of the United States, why should he seek to apply it to any other phase or phases of our economy? An attempt was made to apply it under the Smith-Connally Act, but that act has now passed out of existence, by way of expiration.

Now we are debating the Taft-Hartley law. It is rather clear that the Senate wishes to rid itself of the injunction, and to tear it out of the law of the land as an evil force, something which aggravates, rather than betters, labor-management relations in the United States. We have tried the Taft-Hartley Act and it has failed. Now let us try the Thomas bill. That is what the Chief Executive, who has the responsibility of protecting the national health and safety, wishes. That is the sounder proposal.

If the Thomas bill is enacted and the Taft amendment is rejected, the President will have, with respect to every phase of the economy, exactly the power he has now and the power he has under the Taft-Hartley Act with respect to the railway industry of the United States.

Therefore, I hope the Taft amendment will be rejected, and the Thomas bill provisions will be adopted.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. THOMAS of Utah. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. IVES. Mr. President, I appreciate the courtesy of the able Senator from Utah, but I do not need 5 minutes.

I merely wish to state that I intend to offer, as a perfecting amendment to the Taft amendment which now is before us, an amendment almost, but not quite, identical with the amendment originally offered by me to the Thomas bill. The amendment I shall offer provides for neither seizure nor injunction. It provides that when an emergency of the type we are now discussing arises and the President has issued a proclamation, after the emergency board has been appointed by the President, when a condition of strike or lock-out occurs or continues, the President is mandated immediately to bring the matter to the attention of the Congress for action.

I shall not go into detail regarding this proposal, for I have already covered it on two occasions on the floor of the Senate.

However, I wish to point out one thing in connection with what has been said so recently in the debate today, namely, that my proposal eliminates entirely any question or any doubt regarding the implied powers of the President of the United States. I take a proposal similar to the proposal which is in the Thomas bill—which of course is not before us at all in connection with the approaching vote, which is to be a vote as between the Taft proposal and my proposal—but I take a proposal similar to that of the Senator from Utah, and carry it one step farther. In other words, I close the gap, and leave nothing whatever in doubt.

I hope that enough Senators will favor my proposal to permit of its adoption.

Again I thank the Senator from Utah for yielding to me.

The PRESIDING OFFICER. Does the Senator from New York offer his amendment at this time?

Mr. IVES. I do.

The PRESIDING OFFICER. Without objection, the perfecting amendment of the Senator from New York to the amendment of the Senator from Ohio will be printed in the RECORD, and its reading at this time will be waived.

The amendment proposed by Mr. IVES to the amendment proposed by Mr. TAFT, is as follows:

On page 2, on line 13, insert "appointment of the board" and strike out "issuance of the proclamation."

On page 4, at line 10, strike out "an emergency board has made its report" and insert in lieu thereof the following: "the issuance of the proclamation pursuant to section 301."

On page 4, at line 11, after the word "submit" insert "immediately."

On page 4, at line 13, insert after the word "board" the following: "if such report has been made."

On page 4, at line 18, strike out the word "report" and insert in lieu thereof "recommendations."

On page 4, starting with line 19, strike out through line 23 on page 6, inclusive, and appropriately renumber the following sections.

Mr. THOMAS of Utah. Mr. President, I believe we have sufficient time left to permit me to ask for a statement of the parliamentary situation in regard to the amendment which has just been offered. Does it affect in any way the unanimous-consent agreement, or shall we vote on the amendment of the Senator from New York after we have voted on the pending question?

The PRESIDING OFFICER. The Chair will state that the offering of this amendment does not interfere with the unanimous consent agreement, and the voting on the amendments will commence at 3 o'clock.

Mr. THOMAS of Utah. Then the purpose of the Senator from New York in offering his amendment at this time was to give notice to the Members of the Senate that, no matter what might be the outcome of the approaching vote, the Senator from New York will offer an amendment to the Thomas proposal; is that correct?

Mr. IVES. Mr. President, if the Senator will yield to me, I should like to clear up this matter. My amendment is offered, not to the Thomas amendment, but to the Taft amendment, as a perfecting amendment.

The PRESIDING OFFICER. The Senator from New York has correctly stated the situation, and the vote will come first on the amendment of the Senator from New York to the amendment of the Senator from Ohio.

Mr. THOMAS of Utah. Then at 3 o'clock we shall vote on the amendment of the Senator from New York? Is that correct?

The PRESIDING OFFICER. At not later than 3 o'clock.

Mr. THOMAS of Utah. I thank the Chair.

Mr. President, that is all the time that those of us on this side need.

The PRESIDING OFFICER. Then the Senator from Ohio is recognized.

Mr. TAFT. Mr. President, has the Senator from Utah used all his time?

Mr. THOMAS of Utah. I have used all the time I desire to use. The Senator from Ohio previously yielded two minutes of his time. By a sort of petit larceny, I tried to steal those 2 minutes, but the Vice President, who was in the chair, did not give me a chance to get away with it. Now I am trying to get even, by yielding whatever time we have left, and I do not care if the Senator from Ohio steals it.

Mr. TAFT. Mr. President, the Senator from Maryland wishes to speak. I have sent for him. How much time, Mr. President, do we have?

The VICE PRESIDENT. The Senator has 8 minutes left.

Mr. TAFT. I yield 5 minutes to the Senator from Missouri.

Mr. DONNELL. Mr. President, if the Senator from Maryland returns, I shall be very happy not to consume that amount of time. I observe that the Senator from Maryland is now on the floor. With the consent of the Senator from Ohio, I shall defer my remarks.

Mr. TAFT. Mr. President, I yield 3 minutes, or whatever part of it the Senator from Maryland may need.

Mr. TYDINGS. One minute is all I need.

Mr. President, in the consideration of this measure, it has always been my purpose to try to evolve a mechanism to deal with a Nation-wide strike which would affect the health and safety of the American people. I am not in favor of leaving the matter to chance. As the various alternatives were proposed, I frankly supported the proposition for seizure, due to a multitude of reasons; among which was the thought that the more moderate and sane elements of labor seemed to feel that they would like to have seizure, as opposed to the injunction, and, as I deemed it efficacious to deal with the situation, I acceded to that view in the hope that the more moderate elements of the labor group would support the general legislation, once passed, with a degree that they might not support other provisions of the bill. After having twice supported this philosophy, I now realize that there is no chance of evolving a solution of this type. I therefore want to announce that, rather than leave no stopper in the bottle, I intend on the next vote to support the Taft proposal, because it is either that or nothing. I think the debate has shown that the Senate wants something, and as that is the proposal before us, I intend to give it my support.

Mr. IVES. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I yield.

Mr. IVES. Was the able Senator from Maryland in the Chamber when the Senator from New York just offered an amendment which will be offered to the Taft amendment?

Mr. TYDINGS. I am familiar, I think, with the philosophy of the amendment to be offered by the Senator from New York, which is somewhat the same proposal as the one he offered the other day.

Mr. IVES. Somewhat.

Mr. TYDINGS. That is, it is to let the matter come back to Congress for decision. I do not believe that is an adequate provision to deal with a national or a threatened national dispute. There is too much time to be lost. There are too many intangibles in the proposition. We either need the seizure provision or the injunctive provision, or both, to deal adequately with a national emergency situation, and, as we have had numerous votes on the proposal, rather than have nothing, which will be the result if we strike down the Taft amendment, I intend to give it my support.

Mr. IVES. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I yield.

Mr. IVES. The Senator from Maryland will, I think, admit there are three proposals which will be before us, when the votes come.

Mr. TYDINGS. There may be three votes, or four. But my point is that there are only two adequate remedies. One is the injunction, the other, the seizure provision. We have had enough

votes to know now that we must ultimately come back to the original proposition, or we are likely to have no efficacious solution of the national labor disputes matter, should one arise, unless one of these proposals is adopted, or both.

The VICE PRESIDENT. The Senator's time has expired.

Mr. TAFT. I yield 5 minutes to the Senator from Missouri.

The VICE PRESIDENT. The Senator from Ohio only has 4 minutes to yield.

Mr. DONNELL. Mr. President, while we have the Ives amendment before us, it seems to me the Senator from Maryland has very correctly diagnosed the situation. The Senate has already spoken decisively, it seems to me, with respect to the amendment previously submitted by the Senator from New York, which, as I understand, is very similar to that which he now proposes. So, in the very few minutes remaining to me, I desire to contrast very briefly the Thomas bill with the Taft amendment; for, after all, as I see it, that is, practically speaking, the choice which now remains before the Senate.

The Thomas bill provides nothing whatever, except, in the case of great national emergencies, that, if the President finds that a national emergency is threatened, he shall issue a proclamation and call upon the parties to the dispute to refrain. There is no provision by which any enforcement is to be had. Nothing whatever is provided, other than what I have stated, plus the action of an emergency board in bringing in recommendations. For the carrying out of such recommendations, however, there is no procedure outlined in the Thomas bill.

On the other hand, the Taft amendment, as has been indicated, provides two remedies, namely, the remedy of injunction and the remedy of seizure. It was suggested a little while ago by the Senator from Utah that it was stated yesterday on the floor that in some way the Norris-LaGuardia Act had changed the powers of the President. I heard no such statement made. But this is the situation: We have been told repeatedly that, although the Thomas bill says nothing about an injunction and gives no remedy by injunction in its express terms, the Attorney General has assured us that the inherent power of the President to deal with emergencies, affecting the health, safety, and welfare of the entire Nation, is exceedingly great. From this it is argued that the President of the United States has power to seek an injunction in order to protect the Nation in a case of national emergency. The power to seek an injunction on the part of the President, even though it be conceded to exist, for the sake of the argument, does not confer power on any court to grant an injunction. What is the situation in regard to this question? Suppose the President causes a petition for injunction to be filed under some vague, undetermined power, the very existence of which is in doubt. Does the court, under the Thomas bill, have jurisdiction to issue the injunction, even if the President has authority to seek to protect the national interest?

The Thomas bill expressly retains, except as to section 10 of the National Labor Relations Act, the Norris-LaGuardia Act, in full force and effect. It was pointed out yesterday on the floor of the Senate that the Norris-LaGuardia Act by its very terms would prohibit the issuance of an injunction, and expressly does so, in the case of a strike. Thus it is that, although it is necessary that a court must have jurisdiction in order to restrain and prevent a strike, the Thomas bill itself specifically takes away from the court any jurisdiction that it might otherwise have in order to issue such an order.

So, we have on the one hand the Thomas bill, with nothing in its expressed terms except the power of the President to call upon the employees to return for work, a power which has been disregarded in the past, if it existed, and which would be disregarded if such individuals as Mr. Lewis should continue their attitude as it has been in the past. On the other hand, we have the fact that even though such power existed on the part of the President, it does not exist on the part of the court to grant the injunction unless jurisdiction is in the court. So, Mr. President, I submit that the Taft amendment provides the only practicable and definite means of relief.

The VICE PRESIDENT. The time of the Senator from Missouri has expired. All of the time of the Senator from Ohio has expired.

Mr. TAFT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah has 11 minutes, if he desires to use the time.

Mr. THOMAS of Utah. Mr. President, it is not necessary to use it now. I yield 5 minutes to the Senator from Illinois.

Mr. TAFT. Mr. President, I understood the Senator yielded his time altogether, because I yielded my time with the distinct understanding that——

Mr. THOMAS of Utah. The Senator from Utah did say that, but, in the meantime, Senators asked for some time and I granted it to them. I think they are entitled to it under the rules.

The VICE PRESIDENT. The Senator from Ohio has used his time.

Mr. TAFT. I understood the Senator from Utah had used his time finally and irrevocably.

The VICE PRESIDENT. Until the vote is taken the Senator from Utah has the time.

The Senator from Illinois is recognized for 5 minutes.

Mr. DOUGLAS. Mr. President, I rise to support the Ives amendment. As Members of the Senate know, in company with Senators on both sides of the aisle, I have been trying to get an approach which would be fair to all sides. I think nearly all of us object strenuously to the method of injunctions. We believe that when we give either a private party or the Government the power to compel workmen to go back to work for a private employer for his private profit on terms which the workers originally regarded as unjust, we have a method which is fundamentally unfair to American labor, which will arouse labor's resentment, and which will make any ultimate solution of the problem more difficult. It is primarily against this injunction feature in national emergencies that I believe we have been fighting. The Senate has turned down the proposal advanced by the Senator from Vermont [Mr. AIKEN] and myself, namely, the method of seizure. I do not regard the Ives proposal as ideal. But it is probably true that there is no ideal solution to the question, and I want to say that in comparison with the injunction method, contained in the Taft amendment the Ives proposal is very much preferable. The method of giving to the Government the power to send men back to work for a private employer will inevitably be regarded as placing the Government on the side of the employers and against labor and will make the ultimate solution of the problem much more difficult. The Ives proposal is better than that, and therefore, speaking purely for myself, I shall support it.

Mr. THOMAS of Utah. Mr. President, I yield 4 minutes to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. Mr. President, this is a bit of a "news flash" to the Senator from Minnesota. I did not realize that there was to be 4 minutes' time yielded to me.

I wish to join with the distinguished junior Senator from Illinois in support of the amendment offered by the able junior Senator from New York.

I should like to reiterate the observation made by the Senator from Illinois in regard to the peculiar situation which confronts the Senate. I imagine one would call it paradoxical. On the one hand, there has been an overwhelming defeat of the injunction by a vote of 54 to 37. A few days ago, when the distinguished Senator from Vermont and the junior Senator from Illinois presented their amendment providing for seizure, it was likewise overwhelmingly defeated. So we find ourselves in a political no-man's land in which we have the distinguished Senator from Ohio proposing after we have defeated the proposal for injunction and the proposal for seizure, therefore the remedy is to take everything the Senate does not like and put it into one bill, seizure and injunction, and call it the Taft proposal, and vote for it. The Senator from Ohio proclaims that such an amendment will save the national welfare. That may be logical to some persons, but for the life of me, Mr. President, I cannot understand how it adds up.

Consider the proposals, which have been repudiated, in connection with extended debate on the floor of the Senate. Take the injunction, which has been exposed and deposed. It has been soundly defeated. Take the seizure amendment which the distinguished Senator from Ohio says is unfair, ineffective, will not work, and is unjust. So what shall we do? It is a peculiar thing. We say the injunction is unfair to workers, and seizure is unfair to business, so the thing to do is to take something which is unfair to the workers and something which is unfair to business and put them together, and in this way protect the public welfare. I do not know who the pub-

lic is, if the people who are in business and the people who are working for business do not represent the public.

So, Mr. President, let us come back to constitutional procedures. I do not think the distinguished Senator from New York has a panacea. Of course he has not. There is no panacea for a work stoppage in a free society.

The distinguished junior Senator from New York has projected the Thomas bill to its conclusion, and he has said that after a national emergency has been declared, after we have used the full processes of mediation and conciliation, if there is a work stoppage which really threatens the national welfare—not one which someone says looks like it may be serious—there is no better place to which the problem could be brought than to the floor of the Senate of the United States. If the people are suffering because of a national emergency, who could better determine what the remedy ought to be? If a national emergency is really what it is supposed to be, one of great national concern, it will have many peculiar circumstances surrounding it. Each national emergency should be treated separately and distinctly. I say there is no one patent remedy which this Congress can apply at this particular moment that can deal with every national emergency. All fair-minded persons know the injunction has not done it; and I think we have had some sad experiences in connection with seizures. I am not a Socialist. I do not believe in the nationalization of American industry, not even for 60 days. I am not one who believes in tyranny of government. I do not believe that we have the right to force men to work against their will by an Executive order, to force them down into the mines or into the factories for private employers who are seeking private gain. There may be those who like tyranny of government or who may like nationalization of industry, but the junior Senator from Minnesota believes in free enterprise and representative government.

The VICE PRESIDENT. The Senator from Utah has 3 minutes remaining.

Mr. THOMAS of Utah. Mr. President, I yield that time to the senior Senator from Florida.

The VICE PRESIDENT. The senior Senator from Florida is recognized for 3 minutes.

Mr. PEPPER. Mr. President, it seems to me clear that my colleagues are right in distinguishing the Ives amendment from the Taft amendment at this time. The able Senator from Ohio [Mr. TAFT] has admitted that we have not yet found the solution of this difficult problem, that we cannot with assurance lay down a procedure which can be depended upon to work effectively in all cases. I am sure he would have to agree that it is a great power, if not a dangerous one, which his amendment would confer upon the President solely to determine what is a national emergency.

Under the amendment offered by the able Senator from New York the power of the President is only to report the matter to the Congress of the United States. In other words, we deal with the problem in the most practical way, taking all the circumstances into consideration. If we do not know the answer to this difficult problem, would it not be better that the matter be submitted to the Congress and that Congress and the President might be free to act in the public interest according to the circumstances existing at the particular time and the nature of the emergency demanded? It seems to me that this is an amendment upon which all of us should be able to agree. We reserve the power of the President to appoint a board, which is to make findings of fact and recommendations, and the President is always able to say to recalcitrant employers or employees, "If you are not prepared to accept the recommendations of this board or maintain the status quo until the board reports, I have no other alternative than to lay the matter before the representatives of the people in order that they may protect the public interest."

If the power to protect the public interest is buttressed by the power of the Congress, I believe we shall provide the most equitable method of protecting the public interest.

I hope the Ives amendment will be adopted.

The VICE PRESIDENT. The Senator's time has expired. All time for debate has expired. The Senate will now vote on the amendment offered by the Senator from New York [Mr. IVES] to the amendment of the Senator from Ohio [Mr. TAFT] on behalf of himself and the Senator from New Jersey [Mr. SMITH] and the Senator from Missouri [Mr. DONNELL].

Mr. IVES and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MYERS. I announce that the senior Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the Delegation of the United States of America, to the Second World Health Organization Assembly meeting at Rome, Italy. If present and voting, the Senator from Louisiana would vote "nay."

I announce further that the Senator from New York [Mr. WAGNER] is necessarily absent, and if present and voting, would vote "yea."

Mr. SALTONSTALL. The senior and junior Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] are absent on official business and have a general pair on this vote.

The Senator from Montana [Mr. ECTON] is absent on official business.

The result was announced—yeas 40, nays 51, as follows:

YEAS—40

Aiken	Johnston, S. C.	Murray
Douglas	Kefauver	Myers
Downey	Kilgore	Neely
Frear	Langer	O'Conor
Gillette	Long	O'Mahoney
Graham	Lucas	Pepper
Green	McCarthy	Sparkman
Hayden	McFarland	Taylor
Hendrickson	McGrath	Thomas, Okla.
Hill	McKellar	Thomas, Utah
Humphrey	McMahon	Thye
Hunt	Magnuson	Withers
Ives	Miller	
Johnson, Colo.	Morse	

NAYS—51

Anderson	George	Mundt
Baldwin	Gurney	Reed
Brewster	Hickenlooper	Robertson
Bricker	Hoey	Russell
Butler	Holland	Saltonstall
Byrd	Jenner	Schoeppel
Cain	Johnson, Tex.	Smith, Maine
Capehart	Kem	Smith, N. J.
Chapman	Kerr	Stennis
Chavez	Knowland	Taft
Connally	Lodge	Tydings
Cordon	McCarran	Vandenberg
Donnell	McClellan	Watkins
Eastland	Malone	Wherry
Ferguson	Martin	Wiley
Flanders	Maybank	Williams
Fulbright	Millikin	Young

NOT VOTING—5

Bridges	Ellender	Wagner
Ecton	Tobey	

So Mr. IVES' amendment to the amendment of Mr. TAFT on behalf of himself and Mr. SMITH of New Jersey and Mr. DONNELL was rejected.

The VICE PRESIDENT. The question now recurs on the amendment of the Senator from Ohio [Mr. TAFT] by way of a substitute for title III of the bill.

Mr. TAFT and other Senators asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. MALONE (when his name was called). On this vote I have a pair with the Senator from Louisiana [Mr. ELLENDER] who is absent by leave of the Senate on official business. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay."

The roll call was concluded.

Mr. MYERS. I announce that the senior Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the Delegation of the United States of America to the Second World Health Organization Assembly meeting at Rome, Italy.

I announce further that the Senator from New York [Mr. WAGNER] is necessarily absent, and if present and voting, would vote "nay."

Mr. SALTONSTALL. The senior and junior Senators from New Hampshire [Mr. BRIDGES and Mr. TOBEY] are absent on official business and have a general pair on this vote.

The Senator from Montana [Mr. ECTON] is absent on official business.

The result was announced—yeas 50, nays 40, as follows:

YEAS—50

Aiken	Gurney	Reed
Baldwin	Hendrickson	Robertson
Brewster	Hickenlooper	Russell
Bricker	Hoey	Saltonstall
Butler	Holland	Schoeppel
Byrd	Jenner	Smith, Maine
Cain	Johnson, Tex.	Smith, N. J.
Chapman	Kem	Stennis
Connally	Knowland	Taft
Cordon	Lodge	Tydings
Donnell	McCarthy	Vandenberg
Eastland	McClellan	Watkins
Ferguson	Martin	Wherry
Flanders	Maybank	Wiley
Frear	Millikin	Williams
Fulbright	Mundt	Young
George	O'Conor	

NAYS—40

Anderson	Downey	Hayden
Capehart	Gillette	Hill
Chavez	Graham	Humphrey
Douglas	Green	Hunt

Ives	McFarland	O'Mahoney
Johnson, Colo.	McGrath	Pepper
Johnston, S. C.	McKellar	Sparkman
Kefauver	McMahon	Taylor
Kerr	Magnuson	Thomas, Okla.
Kilgore	Miller	Thomas, Utah
Langer	Morse	Thye
Long	Murray	Withers
Lucas	Myers	
McCarran	Neely	

NOT VOTING—6

Bridges	Ellender	Tobey
Ecton	Malone	Wagner

So the amendment offered by Mr. TAFT, for himself, Mr. SMITH of New Jersey, and Mr. DONNELL, as a substitute for title III of the bill, was agreed to.

Mr. TAFT. Mr. President, I move that the Senate reconsider the vote by which the amendment was adopted.

Mr. WHERRY. I move that the motion of the Senator from Ohio be laid on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska to lay on the table the motion of the Senator from Ohio.

The motion was agreed to.

The VICE PRESIDENT. The Chair would like to state that title III of the bill is disposed of, and no further amendment to that title is in order.

Mr. TAFT. Mr. President, on behalf of the Senator from New Jersey [Mr. SMITH], the Senator from Missouri [Mr. DONNELL], and myself, I offer a substitute for the remainder of the bill, titles I, II, and IV.

The VICE PRESIDENT. Is the Senator willing to have the substitute printed in the RECORD without reading?

Mr. TAFT. Yes, Mr. President. It has been on the desk for a considerable period of time.

The VICE PRESIDENT. Without objection, the substitute will be printed at this point in the RECORD.

The substitute amendment is as follows:

Strike out all of title I of the amendment of Mr. THOMAS of Utah, dated May 31, 1949, after line 9, on page 1, all of title II and title IV, and insert in lieu thereof the following:

"SEC. 102. The National Labor Relations Act of 1935 (49 Stat. 449) is hereby reenacted with amendments to read as follows:

"'FINDINGS AND POLICIES

"'SECTION 1. The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or the necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

"'The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

"'Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

"'Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

"'It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

"'DEFINITIONS

"'SEC. 2. When used in this act—

"'(1) The term "persons" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

"'(2) The term "employer" includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

"'(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any idividual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

"'(4) The term "representatives" includes any individual or labor organization.

"'(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"'(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia, or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

"'(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

"'(8) The term "unfair labor practice" means any unfair labor practice listed in section 8.

"'(9) The term "labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

"'(10) The term "National Labor Relations Board" means the National Labor Relations Board provided for in section 3 of this act.

"'(11) The term "supervisor" means any individual having authority, in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline other employees, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"'(12) The term "professional employee" means—

"'(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

"'(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

"'(13) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the common law rules of agency shall be applicable: *Provided*, That no labor organization shall be held responsible for the acts of any member thereof solely on the ground of such membership.

"'SEC. 3. (a) The National Labor Relations Board (hereinafter called the "Board") is hereby continued as an agency of the United States, except that the Board shall consist of seven instead of five members, appointed by the President by and with the advice and

consent of the Senate. The terms of office of the members of the Board in office on the date of enactment of the National Labor Relations Act of 1949 shall expire as provided by law at the time of their appointment. Of the two additional members so provided for, one shall be appointed for a term expiring August 26, 1954, and the other for a term expiring August 26, 1955. Their successors, and the successors of the other members shall be appointed for terms of seven years each, excepting that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. Not more than four members shall be members of the same political party. The President shall designate one member to serve as Chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"'(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and four members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

"'(c) The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

"'SEC. 4. (a) Each member of the Board shall receive a salary of $12,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties. The Board may not employ any attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts. No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings, or recommendations. Any arbitrators appointed by the Board under section 10 (k) may be appointed in the manner authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), at per diem rates to be determined by the Board but not exceeding $100, and shall be entitled to traveling expenses as authorized by section 5 of such act (5 U. S. C. 73b-2) for persons so employed. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may, at the direction of the Board, appear for and represent the Board in any case in court. Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, for economic analysis.

"'(b) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

"'SEC. 5. The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case.

"'SEC. 6. (a) The Board shall have authority from time to time to make, amend, and rescind in the manner prescribed by the Administrative Procedure Act such rules and regulations as may be necessary to carry out the provisions of this act. Except as herein otherwise expressly provided the Board shall be subject to the provisions of the Administrative Procedure Act.

"'(b) The Board may, by agreement with the appropriate agency of any State or Territory, decline to assert jurisdiction over and authorize such State or Territorial agency to assume and assert jurisdiction over labor disputes or unfair labor practices or questions or controversies concerning representation, which affect commerce, in any industry (other than mining, manufacturing, communications, and transportation except where predominately local in character).

"'RIGHTS OF EMPLOYEES

"'SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

"'UNFAIR LABOR PRACTICES

"'SEC. 8. (a) It shall be an unfair labor practice for an employer—

"'(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7;

"'(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided,* That subject to rules and regulations made and published by the Board pursuant to section 6, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

"'(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: *Provided,* That nothing in this act, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 9 (a) in the appropriate collective-bargaining unit covered by such agreement when made and has complied with all the requirements imposed by sections 9 (f), (g), (h), and (ii) unless, following an election held as provided in section 9 (e) within one year preceding the effective date of such agreement, the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement: *Provided further,* That no employer shall justify any discrimination against an employee for nonmembership in a labor organization if he has reasonable grounds for believing that (A) such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) such membership was denied or terminated for reasons other than (1) the employee's failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or (2) the employee's participation in or encouragement of other employees to engage in a strike or concerted activity in violation of the collective-bargaining agreement between such labor organization and the employer, or (3) the employee's membership or affiliation with the Communist Party or his support thereof, or his membership in, affiliation with, or support of any organization that believes in, or teaches, the overthrow of the United States Government by force or any illegal or unconstitutional methods: *Provided further,* That nothing in this act, or in any other statute of the United States, shall preclude an employer from notifying a labor organization (not established, maintained or assisted by any action defined in section 8 (a) of this act as an unfair labor practice) of opportunities for employment with such employer, or giving such labor organization a reasonable opportunity to refer qualified applicants for such employment;

"'(4) to discharge or otherwise discriminate against an employee because he has filed charges or statements or given testimony under this act;

"'(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a).

"'(b) It shall be an unfair labor practice for a labor organization or its agents—

"'(1) to coerce (A) employees in the exercise of the rights guaranteed in section 7 or in the right to work: *Provided,* That this paragraph shall not impair the right of a labor organization (1) to prescribe its own rules with respect to the acquisition or retention of membership therein, or (2) to enter into an agreement with an employer requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3); or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

"'(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than (i) his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership; or (ii) his participation in or encouragement of other employees to engage in a strike or concerted activity in violation of the collective bargaining agreement between such labor organization and the employer; or (iii) his membership or affiliation with the Communist Party, or his support thereof, or his membership in, affiliation with, or support of any organization that believes in or teaches the overthrow of the United States Government by force or any illegal or unconstitutional methods;

"'(3) to refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 9 (a);

"'(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is, (A) forcing

or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person: *Provided*, That nothing in (A) of this section shall be construed to make it an unfair labor practice for a labor organization to induce or encourage employees to engage in a concerted refusal to perform work which because of a current labor dispute between another employer and his employees is, for the duration of such dispute, no longer being performed by the employees of such other employer; (B) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9; (C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9; (D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work: *Provided further*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this act;

"'(5) to require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected.

"'(c) The Board shall not base any finding of unfair labor practice or set aside any election upon any statement of views or arguments, either written or oral, if such statement contains under all the circumstances no threat, express or implied, of reprisal or force, or offer, express or implied, of benefit.

"'(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: *Provided*, That where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

"'(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days prior to the expiration date thereof, or in the event such contract contains no expiration date or such contract contains reopening provisions for purposes of modification, 60 days prior to the time it is proposed to make such termination or modification or reopening;

"'(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

"'(3) notifies the Federal Mediation and Conciliation Service within 30 days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

"'(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of 60 days after such notice is given;

The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 9 (a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract.

"'REPRESENTATIVES AND ELECTIONS

"'SEC. 9. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further*, That the bargaining representative has been given opportunity to be present at such adjustment.

"'(b) The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof: *Provided*, That the Board shall not (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation.

"'(c) (1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

"'(A) by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9 (a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9 (a); or

"'(B) by an employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 9 (a);

the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"'(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 10 (c).

"'(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election shall have been held. In any election where none of the choices on the ballot receives a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

"'(4) Nothing in this section shall be construed to prohibit the Board from conducting elections prior to hearing where the Board finds no substantial objection to such proceeding is being made or the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations and rules of decision of the Board.

"'(5) In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling.

"'(d) Whenever an order of the Board made pursuant to section 10 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 10 (e) or 10 (f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

"'(e) (1) Upon the filing with the Board, by 30 percent or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 8 (a) (3), of a petition alleging they desire that such authority be rescinded, the Board may take a secret ballot of the employees in such unit and certify the results thereof to such labor organization and to the employer.

"'(2) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election shall have been held.

"'(f) No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees, raised by a labor organization under subsection (c) of this section, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b)

of section 10, unless such labor organization and any national or international labor organization of which such labor organization is an affiliate or constituent unit (A) shall have prior thereto filed with the Secretary of Labor copies of its constitution and bylaws and a report, in such form as the Secretary may prescribe, showing—

"'(1) the name of such labor organization and the address of its principal place of business;

"'(2) the names, titles, and compensation and allowances of its three principal officers and of any of its other officers or agents whose aggregate compensation and allowances for the preceding year exceeded $5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

"'(3) the manner in which the officers and agents referred in clause (2) were elected, appointed, or otherwise selected;

"'(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organizations;

"'(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

and (B) can show that prior thereto it has—

"'(1) filed with the Secretary of Labor, in such form as the Secretary may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year (c) the disbursements made by it during such fiscal year, including the purposes for which made; and

"'(2) furnished to all of the members of such labor organization copies of the financial report required by paragraph (1) hereof to be filed with the Secretary of Labor.

"'(g) It shall be the obligation of all labor organizations to file annually with the Secretary of Labor, in such form as the Secretary of Labor may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (e) (A) of this section, and to file with the Secretary of Labor and furnish to its members annually financial reports in the form and manner prescribed in subsection (c) (B). No labor organization shall be eligible for certification under this section as the representative of any employees, and no complaint shall issue under section 10 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

"'(h) (1) No petition made by a labor organization under section 9 (c), and no charge made by a labor organization under section 10 (b) shall be entertained unless there is on file with the Board an affidavit executed contemporaneously or with the the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit, that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods or seeking by force or violence to deny other persons their rights, under the Constitution of the United States. The provisions of section 35A of the Criminal Code shall be applicable in respect to such affidavits. For the purposes of this subsection "officer" means members of all policy-forming and governing bodies of the labor organization as well as those designated as such by the constitution of the labor organization.

"'(2) No petition made by an employer under section 9 (c) and no charge made by an employer under section 10 (b) shall be entertained unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by such employer, its officers if it is a corporation and each of such employer's agents having responsibility for the employer's labor relations that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods, or seeking by force or violence to deny other persons their rights under the Constitution of the United States. The provisions of section 35A of the Criminal Code shall be applicable in respect to such affidavits.

"'PREVENTION OF UNFAIR LABOR PRACTICES

"'SEC. 10. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in sec. 8) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise.

"'(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than 5 days after the serving of said complaint: *Provided,* That no complaint shall issue based upon any unfair labor practice occurring more than 1 year prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the 1-year period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934 (U. S. C., title 28, sec. 723–B, 723–C).

"'(c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this act: *Provided,* That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: *And provided further,* That in determining whether a complaint shall issue alleging a violation of section 8 (a) (1) or section 8 (a) (2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon all the testimony taken the Board shall be of the opinion that no person named in the complaint has engaged in or is engaging in such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint.

"'(d) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"'(e) The Board shall have power to petition any United States court of appeals, or if all the courts of appeals to which application may be made are in vacation, any United States district court within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such order was entered and the findings and order of the Board. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its members, agent, or agency, and to be made a part of the transcript. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the

United States upon writ of certiorari or certification as provided in title 28, United States Code, section 1254.

"'(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part of the relief sought may obtain a review of such order in any United State court of appeals in the circuit wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith served upon the Board, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Board, including the pleading and testimony upon which the order complained of was entered, and the findings and order of the Board. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e), and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

"'(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

"'(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932, (U. S. C., Supp. VII, title 29, secs. 101–115).

"'(i) Petitions filed under this act shall be heard expeditiously and if possible within 10 days after they have been docketed.

"'(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any United States district court and the United States court of any Territory or possession, within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the courts shall cause notice thereof to be served junctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further,* That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than 5 days and will become void at the expiration of such period. Upon filing of any such petition the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further,* That for the purposes of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit.

"'(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the Board is empowered and directed to hear and determine, or appoint an arbitrator to hear and determine, the dispute, and issue an award, first affording the labor organizations involved in the dispute a reasonable opportunity to settle their controversy between or among themselves. In determining the dispute, the Board or the arbitrator, as the case may be, may consider any prior Board certification under which any such labor organization claims the right to represent employees who are or may be hired or assigned to perform the work tasks in dispute, any union charters or interunion agreements purporting to define areas of jurisdiction between or among the contending labor organizations, the decisions of any agency established by unions to consider such disputes, the past work history of the organizations involved in the dispute, and the policies of this act. If an arbitrator is appointed to hear and determine a dispute, he shall proceed in accordance with such rules and regulations as the Board may prescribe; and his award determining the dispute shall have the same effect as an award of the Board. In any proceeding under this section, the employer whose assignment or prospective assignment of a particular work task is in controversy shall have an opportunity to be heard in any hearing conducted by the Board, or an arbitrator, as the case may be. If at any stage of the proceeding it shall appear to the Board that the dispute is in fact one concerning representation, it shall treat the case as one instituted under section 9 (c) of this act and proceed accordingly.

"'INVESTIGATORY POWERS

"'SEC. 11. For the purpose of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 9 and section 10—

"'(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Board shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Board, its member, agent, or agency conducting the hearings or investigation. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses, and the production of such evidence may be required from any place in the United States or any Territory or possession thereof at any designated place of hearing.

"'(2) In case of contumacy or refusal to obey a subpena issued to any person, any United States district court or the United States courts of any Territory or possession, within the jurisdiction of which the inquiry is carried on or within the jurisdicton of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"'(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"'(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"'(5) All process of any court to which application may be made under this act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

"'(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

"'SEC. 12. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

"'LIMITATIONS

"'SEC. 13. Nothing in this act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

"'SEC. 14. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

"'(b) Nothing in this act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.

"'SEC. 15. Wherever the application of the provisions of section 272 of chapter 10 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto (U. S. C., title 11, sec. 672), conflicts

with the application of the provisions of this act, this act shall prevail: *Provided*, That in any situation where the provisions of this act cannot be validly enforced the provisions of such other acts shall remain in full force and effect.

"'SUITS BY AND AGAINST LABOR ORGANIZATIONS

"'SEC. 16. (a) Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this act, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

"'(b) Any labor organization which represents employees in an industry affecting commerce as defined in this act and any employer whose activities affect commerce as defined in this act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

"'(c) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"'(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"'SEC. 17. Whoever shall be injured in his business or property by reason of any act or acts which are made an unfair labor practice under section 8 (b) (4) may sue therefor in any district court of the United States subject to the limitations and provisions of section 16 hereof without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

"'RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

"'SEC. 18. (a) It shall be unlawful for any employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value to any representative of any of his employees who are employed in an industry affecting commerce.

"'(b) It shall be unlawful for any representative of any employees who are employed in an industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value.

"'(c) The provisions of this section shall not be applicable (1) with respect to any money or other thing of value payable by an employer to any representative who is an employee or former employee of such employer, as compensation for, or by reason of his services as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of periodic dues or initiation fees (but not including fines, assessments, penalties, or other payments) in a labor organization: *Provided*, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall be revocable in writing after the expiration of 1 year or upon the termination date of the applicable collective agreement, whichever occurs sooner; or (5) with respect to money or other thing of value paid to a trust fund established by such representative, if the Secretary of Labor shall have made a thorough examination of all the provisions of the agreement establishing such fund (including the holding of a hearing if requested by any person demonstrating an interest) and certified that such fund meets the following requirements: That it be for the sole and exclusive purpose of providing benefits for employees of such employer (or for such employees jointly with employees of other employers making similar payments): *Provided*, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, benefits with respect to such employees on account of death, injury, illness, unemployment, retirement, medical, surgical, or hospital care (which may include medical, surgical, or hospital care for families and dependents of such employees), or for any one or more of such benefits, or for providing any one or more of such benefits through contracts with insurers; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer; (C) unless waived by the employer, employers and employees are equally represented in the administration of such fund together with such impartial umpire to settle a dispute in the administration of the fund as may be agreed upon, or in the event no such umpire has been agreed upon within a reasonable time after a dispute has arisen the district court of the United States for the district in which the trust fund has its principal office is empowered to use such impartial umpire upon petition of any trustee; (D) there shall be an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated by agreement between the employers and the representative; and (E) such employer payments as are intended to be used for the purpose of providing pensions or annuities through benefit payments made to such persons directly from the trust estate are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities.

"'(d) Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or to imprisonment for not more than 1 year, or both.

"'(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, to restrain violations of this section, without regard to the provisions of sections 6 and 20 of such act of October 15, 1914, as amended (U. S. C., title 15, sec. 17, and title 29, sec. 52), and the provisions of the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (U. S. C., title 29, secs. 101-115).

"'(f) This section shall not apply to any contract in force on the date of enactment of the National Labor Relations Act of 1949 until the expiration of such contract, or until July 1, 1950, whichever first occurs.

"'(g) Compliance with the restrictions contained in subsection (c) (5) (B) upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreement prior to January 1, 1946, nor shall subsection (c) (5) (A) be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits.

"'BAR TO CERTAIN PROCEEDINGS

"'SEC. 103. Notwithstanding the provisions of the act of February 25, 1871 (16 Stat. 432), neither the Board nor any court of the United States shall have jurisdiction to entertain, process, make, impose, or enforce any petition, complaint, order, liability, or punishment under the Labor-Management Relations Act, 1947, with respect to any act or ommission occurring prior to the date of enactment of the National Labor Relations Act of 1949, unless such act or omission could have been the subject of a proceeding under the National Labor Relations Act of 1949. No complaint shall hereafter be issued by the National Labor Relations Board based upon any unfair labor practice occurring prior to August 22, 1947, unless charges with respect thereto were pending before the Board on January 1, 1949.

"'EFFECTIVE DATE OF CERTAIN CHANGES

"'SEC. 104. No provisions of this title shall affect any certification of representatives or any determination as to the appropriate collective-bargaining unit, which was made under section 9 of the National Labor Relations Act prior to the effective date of this title until 1 year after the date of such certification or if, in respect of any such certification, a collective-bargaining contract was entered into prior to the effective date of this title, until the end of the contract period or until 1 year after such date, whichever first occurs.

"'SEC. 105. The amendments made by this title shall take effect 30 days after the date of the enactment of this act, except that the authority of the President to appoint additional members conferred upon him by section 3 of the National Labor Relations Act as amended by this title may be exercised forthwith.

"'TITLE II—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE

"'SEC. 201. That it is the policy of the United States that—

"'(a) sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees thrcugh the processes of conference and collective bargaining between employers and the representatives of their employees;

"'(b) the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the reprseentatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes; and

"'(c) certain controversies which arise between parties to collective-bargaining agreements may be avoided or minimized by making available full and adequate governmental facilities for furnishing assistance to employers and the representatives of their employees in formulating for inclusion within

such agreements provision for adequate notice of any proposed changes in the terms of such agreements, for the final adjustment of grievances or questions regarding the application or interpretation of such agreements, and other provisions designed to prevent the subsequent arising of such controversies.

"'FEDERAL MEDIATION AND CONCILIATION SERVICE

"'SEC. 202. (a) The Federal Mediation and Conciliation Service (herein referred to as the "Service") is hereby continued as an independent agency of the United States. The Service shall remain under the direction of a Federal Mediation and Conciliation Director (hereinafter referred to as the "Director"). The Director in office on the date of enactment of the National Labor Relations Act of 1949 shall continue in office without reappointment, but his successor shall be appointed by the President by and with the advice and consent of the Senate. The Director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business, vocation, or employment.

"'(b) The Director is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make such expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for that purpose.

"'(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this act to any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for cooperation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year.

"'FUNCTIONS OF THE SERVICE

"'SEC. 203. (a) The Service shall assist labor and management in settling disputes through the processes of free collective bargaining. The Director shall have authority to proffer the facilities of the Service in any labor dispute in any industry affecting commerce either upon his own motion or upon the request of one or more of the parties to the dispute whenever in his judgment, the facilities of the Service will assist the parties in settling the dispute.

"'(b) Upon request of the parties to the dispute, the Service shall cooperate in formulating an agreement for the arbitration of the dispute, in selecting an arbitrator or arbitrators, and in making such other arrangements and in taking such other action as may be necessary.

"'(c) The Service shall furnish to employers, employees, and other public and private agencies, information concerning the practicability and desirability of establishing suitable agencies and methods to aid in the settlement of labor disputes by mediation, conciliation, arbitration, and other peaceful means, and to promote and encourage the uses and procedures of sound collective bargaining. The Director is authorized to establish suitable procedures for cooperation with State and local mediation agencies and to enter into agreements with such State and local mediation agencies. The Director shall avoid attempting to mediate disputes which have only a minor effect on interstate commerce if State or other conciliation services are available to the parties.

"'(d) Through conferences and such other methods as it deems appropriate, the Service shall seek to improve relations between employers and the representatives of their employees for the purpose of avoiding labor disputes and preventing such disputes as might occur from developing into stoppages of operations which might effect commerce or develop consequences injurious to the general welfare.

"'CONDUCT OF CONCILIATION OFFICERS

"'SEC. 204. The Director and the Service shall be impartial. They shall respect the confidence of the parties to any dispute. Commissioners of Conciliation shall not engage in arbitration while serving as Commissioners and they shall not participate in cases in which they have a pecuniary or personal interest.

"'DUTIES OF EMPLOYERS AND EMPLOYEES

"'SEC. 205. In order to prevent or minimize labor disputes affecting the free flow of commerce or threatening consequences injurious to the general welfare, employers and employees, and their representatives, should—

"'(a) exert every reasonable effort to make and maintain collective-bargaining agreements for definite periods of time, concerning (1) rates of pay, hours, and terms of conditions of work; (2) adequate notice of desire to terminate or change such agreements; (3) abstention from strikes, lock-outs, or other acts of economic coercion in violation of such agreements; and (4) procedures for the peaceful settlement of disputes involving the interpretation or application of such agreements;

"'(b) participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of any dispute to which they are parties.

"'INTERPRETATION OF EXISTING AGREEMENTS

"'SEC. 206. It is the public policy of the United States that any collective-bargaining agreement in an industry affecting commerce should provide procedures by which either party to such agreement may refer disputes growing out of the interpretation or application of the agreement to final and binding arbitration. The Service is authorized and directed to assist employers and labor organizations in—

"'(a) developing such procedures;

"'(b) applying such procedures to individual cases, including assistance in framing the issues in dispute and the terms and conditions under which the arbitration proceeding shall be conducted, including methods for the selection of the arbitrator or arbitrators; and

"'(c) selecting an arbitrator or arbitrators, including making available to the parties a roster of names from which the parties may choose one or more arbitrators and, if the parties so desire, designating one or more arbitrators: *Provided*, That nothing in section 205 or 206 hereof shall make the failure or refusal of either party to agree to an arbitration clause in their contract, a violation of any duty or obligation imposed by any provision of this act.

"'LABOR-MANAGEMENT ADVISORY COMMITTEES

"'SEC. 207. (a) The Director shall appoint such labor-management advisory committees as he deems necessary or appropriate in the administration of this title. The membership of each such committee shall consist of equal numbers of labor and management representatives, and one or more public members. The Director shall designate a public member as chairman. Members of such advisory committees shall serve without compensation, but shall receive transportation, and per diem in lieu of subsistence at a rate of $25 a day, as authorized by section 5 of the act of August 2, 1946 (5 U. S. C. 73b-2), for persons so serving. Such committees shall have authority to adopt, amend, or rescind such rules and regulations as may be necessary to the performance of their functions.

"'(b) Such advisory committees shall advise the Director on questions of policy and administration affecting the work of the service and shall perform such other functions to help in achieving the purposes of this title as the Director may request.

"'COMPILATION OF COLLECTIVE-BARGAINING AGREEMENTS, AND SO FORTH

"'SEC. 206. (a) For the guidance and information of interested representatives of employers, employees, and the general public, the Bureau of Labor Statistics of the Department of Labor shall maintain a file of copies of all available collective-bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes. Such file shall be open to inspection under appropriate conditions prescribed by the Secretary of Labor, except that no specific information submitted in confidence shall be disclosed.

"'(b) The Bureau of Labor Statistics in the Department of Labor is authorized to furnish upon request of the Service, or employers, employees, or their representatives, all available data and factual information which may aid in the settlement of any labor dispute, except that no specific information submitted in confidence shall be disclosed.

"'EXEMPTION OF RAILWAY LABOR ACT

"'SEC. 207. The provisions of this title shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time.

"'TITLE IV—MISCELLANEOUS PROVISIONS

"'RESTRICTION ON POLITICAL CONTRIBUTIONS

"'SEC. 401. Section 313 of the Federal Corrupt Practices Act, 1925 (U. S. C, 1940 edition, title 2, sec. 251; Supp. V, title 50, App. sec. 1509), as amended, is amended to read as follows:

"'"SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of this section 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the

purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work."

"'STRIKES BY GOVERNMENT EMPLOYEES

"'SEC. 402. It shall be unlawful for any individual employed by the United States or any agency thereof including wholly owned Government corporations to participate in any strike against the United States or any agency thereof. Any individual employed by the United States or by any such agency who participates in such a strike shall be discharged immediately from his employment, and shall forfeit his civil-service status, if any, and shall not be eligible for reemployment for three years by the United States or any such agency.

"'DEFINITIONS

"'SEC. 403. When used in this act—

"'(1) The term "industry affecting commerce" means any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce.

"'(2) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slow-down or other concerted interruption of operations by employees.

"'(3) The terms "commerce," "labor disputes," "employer," "employee," "labor organization," "representative," "person," and "supervisor" shall have the same meaning as when used in the National Labor Relations Act of 1949.

"'SAVING PROVISION

"'SEC. 405. Nothing in this act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this act.

"'SEPARABILITY

"'SEC. 406. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.'"

ERECTION IN THE DISTRICT OF COLUMBIA OF A STATUE OF SIMON BOLIVAR

Mr. HAYDEN. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, so that I may report a House joint resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

Mr. HAYDEN. By direction of the Committee on Rules and Administration I report favorably House Joint Resolution 240 authorizing the erection in the District of Columbia of a statue of Simon Bolivar. The erection of the statue involves no expense to the United States. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House Joint Resolution 240. Is there objection?

Mr. WHERRY. Mr. President, reserving the right to object, may I inquire of the distinguished Senator from Arizona if the acceptance of this gift involves any appropriation?

Mr. HAYDEN. This is a gift from the Government of Venezuela, without expense to the United States. It is approved by the Fine Arts Commission. The statue is to be located near the Pan American Union Building, on a triangle of land.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

Mr. MAGNUSON. Mr. President, reserving the right to object, I should like to ask the Senator from Arizona a question. I understand that there has been pending before the Committee on Rules and Administration a bill to provide for the erection of a statue of Leif Ericson, the discoverer of America. That measure has been pending before the committee for many weeks. I was wondering why the bill providing for a statue of Simon Bolivar was reported ahead of the bill providing for the statue of the discoverer of America.

Mr. HAYDEN. The statue of Simon Bolivar will not cost anything. The Senator introduced a bill calling for an appropriation of $25,000 to erect a statue to Leif Ericson. We understand that it would actually cost $60,000. So the committee is hesitant.

The VICE PRESIDENT. Is there objection to the present consideration of House Joint Resolution 240?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

REPAIRS TO SENATE ROOF AND REMODELING OF SENATE CHAMBER

Mr. LODGE. Mr. President, in a few days we shall be leaving this Chamber. The reason for our doing so is that the roof over our heads is no longer safe and must be repaired. This is a good reason. Moreover, we should have here in the Senate every advantage of modern science insofar as light, sound, and ventilation are concerned.

But the repairing of the roof and installation of modern conveniences are not the only work which will be done while we are absent from this Chamber. In addition to repairing the roof, the whole interior decoration of this historic old Hall is going to be completely changed from top to bottom and to such an extent that there will be nothing left of its present appearance.

The wonderfully quaint stained-glass panels which are now in the ceiling will all go, in spite of the fact that they are very vivid reminders of the days when this Chamber was first built. The interior decoration of the Chamber will be completely eliminated. In its place there will be a decorative scheme which, I agree, is inoffensive, which I have seen downstairs, and which, I agree, more nearly resembles the interior of a bank than—as some people have irreverently observed—a cocktail lounge. I know that it has been approved by the Fine Arts Commission. For all I know, it is very much in harmony with the old part of the Capitol.

The thought occurs to me, however, that the question of whether or not we should redecorate the Senate Chamber is not one for the Fine Arts Commission to decide. It is none of its business. The question is not whether we happen to think that another design is more beautiful or more attractive than the decorative scheme which has been in this Chamber since 1859, and which was designed by Thomas U. Walter, an architect of the finest talent and taste at that time. If Senators wish to read an interesting speech, they should read the speech of Daniel Webster when, under President Millard Fillmore, the then new Chamber was dedicated. They will see the great price that was set upon the decoration of this Chamber.

So the question is not whether we happen to believe that one thing is prettier than another. We face the question of why we should eliminate this decorative scheme simply because the taste in interior decoration which was attractive to people in 1859 is no longer attractive to some people in 1949. There seems to be a desire amounting almost to a mania to eliminate all traces of by-gone architectural style and artistic effects so that the whole of Washington will have a dreary, bone-yard classical uniformity. The Smithsonian Institution, for example, whose brownstone towers now rise on the south side of the Mall, and which won the prize as the most beautiful building in America at the time it was built is, so I am told, considered by many so-called authorities to be an eyesore because it is not of white marble and is not ornamented with classical columns along the front. It is almost as though we were ashamed of our past and wanted to obliterate any signs of it. The fact is that our country has grown by degrees and that this growth is reflected in its buildings. It is an interesting thing for young people—and old people, too, for that matter—to see some relics of the past, because nothing gives them a more vivid impression of the fact that we have actually had a past—and a glorious one at that.

It may be, as some people say, that the decorative style of this Chamber is early pre-Civil War Pullman and there may be those who do not like the combination of parlor-car green, mahogany brown, and putty-colored walls which are the prevailing colors in this Chamber. It is, however, the design which they liked at the time. Not only that—it is the design which constituted the surroundings for some of the greatest and most historic events in our history. It was here that the gigantic figures of the pre-Civil War drama spoke their lines. It was here that Charles Sumner was murderously beaten on the head, almost causing his death. It was here that Ben Wade of Ohio kept the famous squirrel gun in his desk when he used to challenge people to duels. It was here that the great drama was unrolled which symbolized the fight for the Union without which we could not be one country today, without which there would be no United States of

America for the American people to believe in and no United States of America to whom the rest of the world could look for help and strength. These colors and this interior decoration may not suit the palates of some of our more fastidious contemporaries, but they were the surroundings in which immense and vital chapters of our history were written. Maybe the style is crude; maybe they were a little crude; maybe I am a little crude. But they were men and they made manly decisions; and this was their forum and this interior-decorating scheme was their background.

I understand that the total cost of the project is $2,300,000. I asked the Architect of the Capitol to furnish me with a break-down to show how much would go for the necessary repairing of the roof and the installation of conveniences and how much would go for interior decoration. He has not yet furnished me with that figure.

Mr. President, a few weeks ago the Senate set a splendid example to the country when it refused to give itself a brand new additional Senate Office Building. I think it can well go a step further and can save a substantial sum of money by refusing to put into effect the proposed new decorative scheme for the Senate Chamber, and thus confine itself to the utilitarian task of fixing the the roof of this Chamber so it will not fall on our heads. For my part, I shall be happy and privileged to sit amid these surroundings, with the present colors and tablature, where so many great men have sat before us, and where so much that is vital and essential in American history has taken place. I do not think further changes should be made in this Chamber; I hope the decorations here are not changed. Let us have the roof fixed, but have nothing else done to this Chamber.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4963) to provide for the appointment of additional circuit and district judges, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. BYRNE of New York, Mr. LANE, Mr. JENNINGS, and Mr. KEATING were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 235) to continue the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORT OF BOARD OF DIRECTORS, PANAMA RAILROAD COMPANY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, was referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Ninety-ninth Annual Report of the Board of Directors of the Panama Railroad Company for the fiscal year ended June 30, 1948.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 28, 1949.*

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred, as indicated:

SUPPLEMENTAL ESTIMATES, LEGISLATIVE BRANCH, SENATE (S. DOC. NO. 91)

A communication from the President of the United States, transmitting supplemental estimates of appropriation, amounting to $154,608, for the legislative branch, Senate, fiscal year 1949 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

ADMISSION OF CERTAIN PERSONS TO ST. ELIZABETHS HOSPITAL

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act approved July 18, 1940 (54 Stat. 766, 24 U. S. C., 1946 ed., sec. 196b), entitled "An act relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States," by enlarging the classes of persons admissible into St. Elizabeths Hospital and in other respects (with an accompanying paper); to the Committee on Labor and Public Welfare.

ORDINANCES ENACTED BY PUBLIC SERVICE COMMISSION OF PUERTO RICO

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, copies of ordinances enacted by the Public Service Commission of Puerto Rico (with accompanying papers); to the Committee on Interior and Insular Affairs.

FINANCIAL CONTROL ACT OF 1949 FOR POST OFFICE DEPARTMENT

A letter from the Postmaster General, transmitting a draft of proposed legislation entitled "The Financial Control Act of 1949 for the Post Office Department" (with an accompanying paper); to the Committee on Post Office and Civil Service.

APPOINTMENT OF POSTMASTERS

A letter from the Postmaster General, transmitting a draft of proposed legislation relating to the appointment of postmasters, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

REPORTS OF FOREIGN-TRADE ZONES BOARDS

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Foreign-Trade Zones Board, fiscal year ended June 30, 1948; the annual report of the city of New York covering operations of Foreign-Trade Zone No. 1, for the calendar year 1947, and the report of the Board of Commissioners of the Port of New Orleans, covering operations of Foreign-Trade Zone No. 2, since it was opened, beginning May 1, 1947 (with accompanying papers); to the Committee on Finance.

REPORT OF WEATHER BUREAU RELATING TO THUNDERSTORMS

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, an interim report by the Chief of the Weather Bureau on the study of causes and characteristics of thunderstorms and other atmospheric disturbances (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT ON PUBLIC BUILDING CONSTRUCTION PROJECTS OUTSIDE THE DISTRICT OF COLUMBIA

A letter from the Federal Works Administrator and the Postmaster General, transmitting, pursuant to law, a report on public building construction projects outside of the District of Columbia (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"House Joint Resolution 73

"Whereas the chairman of the Judiciary Committee of the United States House of Representatives has ordered a civil rights subcommittee of the Judiciary Committee to undertake an investigation of the recent acts of violence by hooded men in Alabama; and

"Whereas the Legislature of Alabama is presently in session and is considering and is in the process of enacting legislation designed to aid in the apprehension of persons committing such acts of violence and to prevent any further such acts; and

"Whereas there are adequate and able law enforcement agencies and authorities presently investigating the violence, and

"Whereas the public authorities and people of Alabama are determined to stamp out this violence and bring the guilty to justice through their own efforts; and

"Whereas there have been recent instances of racial friction and resulting violence in localities such as St. Louis, Mo., and Youngstown, Ohio, which are just as regrettable and are equally to be condemned as the violence occurring in Alabama, and which have not been made the subject of congressional investigation, and

"Whereas the Legislature and people of Alabama resent and deplore the wholly unnecessary, unwanted, and unjustifiable interference by a congressional committee in the internal affairs of and the administration of justice of this State: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Alabama (the senate concurring):*

"1. The House of Representatives of the United States is hereby memorialized to order its Judiciary Committee and civil rights subcommittee to discontinue any investigation of or plans to investigate the recent acts of violence by hooded men in Alabama.

"2. The Clerk of the House of Representatives is directed to transmit a copy of this resolution to the Speaker of the House of Representatives, the chairman of the Judiciary Committee of the United States House of Representatives, the chairman of the civil rights subcommittee of the Judiciary Committee, the President of the United States, the Vice President of the United States, and the Members of the United States Senate and the House of Representatives from Alabama.

"Adopted by the House of Representatives of Alabama and the Senate of Alabama, June 24, 1949."

A resolution adopted by the Scottsville (Ky.) Rotary Club, relating to the construction of a burley tobacco market at Scottsville; to the Committee on Agriculture and Forestry.

A resolution adopted by the Sisterhood of the Congregation Tephereth Israel, New Britain, Conn., protesting against the enactment of legislation providing a change in the present calendar; to the Committee on Foreign Relations.

A resolution adopted by the Connecticut Association of Insurance Agents, Hartford, Conn., protesting against the enactment of legislation which would socialize industry; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the Pittsylvania County Post, No. 132, The American Legion, Chatham, Va., favoring the enactment of legislation extending the period of time during which readjustment allowances for World War II veterans may be paid until July 25, 1945; to the Committee on Labor and Public Welfare.

A letter in the nature of a memorial from the Northern Virginia Dental Society, of Arlington, Va., signed by G. W. Bogikes, president, and J. M. Kline, secretary-treasurer, remonstrating against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A resolution adopted by the Missoula (Mont.) Dental Assistants Association, protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A resolution adopted by the Kentucky Junior Chamber of Commerce, relating to the operation of the Ohio River Compact, and pollution-abatement programs; to the Committee on Public Works.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. McMAHON, from the Committee on Foreign Relations:

S. 1250. A bill to amend the Institute of Inter-American Affairs Act, approved August 5, 1947; with amendments (Rept. No. 594).

By Mr. PEPPER, from the Committee on Foreign Relations:

H. R. 2785. A bill to provide for further contributions to the International Children's Emergency Fund; with an amendment (Rept. No. 595).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOWNEY:

S. 2152. A bill to confer jurisdiction on the State of California over the lands and residents of the Agua Caliente Indian Reservation in said State, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'MAHONEY (by request):

S. 2153. A bill relating to the rights of the several States in lands beneath inland navigable waters and to the recognition of equities in submerged coastal lands adjacent to the shores of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Colorado:

S. 2154. A bill for the relief of Yoshiyuki Maeshiro; to the Committee on the Judiciary.

By Mr. McCARRAN:

S. 2155. A bill to authorize the cancellation or settlement of claims of the District of Columbia against the etates of recipients of old-age assistance; to the Committee on the District of Columbia.

S. 2156. A bill for the relief of Sister Edeltrudis Clara Weskamp; and

S. 2157. A bill for the relief of Mrs. Claudia Weitlanner; to the Committee on the Judiciary.

By Mr. PEPPER:

S. 2158. A bill to amend section 122 of the Internal Revenue Code providing for carryback in case of reorganization of corporations; to the Committee on Finance.

By Mr. McMAHON:

S. 2159. A bill for the relief of Gilbert Clotar; to the Committee on the Judiciary.

HOUSE BILL REFERRED

The bill (H. R. 4705) to transfer the office of the probation officer of the United States District Court for the District of Columbia, the office of the Register of Wills for the District of Columbia, and the Commission on Mental Health, from the government of the District of Columbia to the Administrative Office of the United States Courts, for budgetary and administrative purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT OF DISPLACED PERSONS ACT OF 1948, RELATING TO DISTRIBUTION OF VISAS

Mr. FERGUSON. Mr. President, on behalf of the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. SMITH], the Senator from New York [Mr. IVES], the Senator from Oregon [Mr. MORSE], and myself, I submit an amendment intended to be proposed to the bill (S. 99) to amend section 3 (a) of the Displaced Persons Act of 1948, relating to the distribution of visas thereunder among the various groups of displaced persons.

The amendment is intended to supersede another amendment to the act, submitted during the present session, by the same sponsors, as Senate bill 99. That bill provides that visas issued pursuant to the Displaced Persons Act shall be made available to each group or element among the displaced persons according to the proportion that each group or element bears to the total number of displaced persons.

The present amendment accomplishes the same purpose by stating that—

> The selection of eligible displaced persons shall be made without discrimination in favor of or against a race, religion, or national origin of such eligible displaced persons, and the Commission shall insure that equitable opportunity for resettlement under the terms of this act, as amended, shall be afforded to eligible displaced persons of all races, religions, and national origins.

The "groups and elements" provision of Senate bill 99 had its origin in a defense against the 40 percent annexed-area and 30 percent agricultural provisions of the act as it was passed in the last Congress. The provision was submitted as an amendment to the act when it was under consideration last year, but was defeated, and was immediately resubmitted with the opening of the present Congress.

Its intention was to meet the charges of discrimination against persons from outside the annexed areas. Its principle was sound, as it tied admissions to a formula of proportions, which is eminently fair. However, it has been observed that the provision establishes categories of race and religion which are contrary to the spirit of displaced persons legislation. Further, it has been observed that the formula creates a considerable administrative burden in prorating the processing of cases on a mathematical basis.

Accordingly, the sponsors have agreed to revise their proposal and to submit another, identical with that contained in House bill 4567, which would guard against favoritism or discrimination, on a workable and reasonable basis, and would accomplish the objectives of the groups and elements formula without its administrative difficulties.

The amendment reflects a determination upon the part of the sponsors to obtain a workable Displaced Persons Act to conform with the obligations which the United States ostensibly assumed under the act of 1948. If the act of 1948 purported to assume definite responsibilities but encumbered that assumption with unworkable provisions, the encumbrances should be removed.

It is the sole desire of the sponsors of the amendment that the act should be perfected; hence the present amendment, which they consider an improvement upon their earlier proposal.

The fact that we confine ourselves at this point to a perfection of our own proposal does not indicate that there may not be other perfecting provisions to which we would like to give consideration. It is submitted only as an earnest of our own position and of our sincere desire for improvement of the basic act.

As a matter of fact, there exists a perfect vehicle for the consideration of all the numerous proposals for perfecting the basic act. It is House bill 4567, which has passed the House and is now before the Senate Judiciary Committee. Its provisions give attention to all the deficiencies alleged to exist in the Displaced Persons Act of 1948.

We renew and reiterate our request that hearings be immediately scheduled on the various proposals for correction of the act of 1948. Those proposals have been described as liberalizing the act. To be sure, they would liberalize it by freeing its administration from all the unworkable and discriminatory encumbrances which were attached. But a better description of the proposals is, that they would perfect the machinery for carrying into effect the purposes which the act of 1948 represented.

The Senate should insist upon an opportunity to carry out its intended purposes with regard to this great human problem.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield to the Senator.

Mr. SALTONSTALL. I should like to say to the Senator from Michigan that I am glad he has offered the amendment. I am gratified he joined my name with his, because, as I understand, the purpose of the amendment, it is simply to make the present act more effective, and to try to make it possible for us to do our part in admitting displaced persons into this country.

Mr. FERGUSON. That is correct. I merely want to say that Senators who have cosponsored this particular amendment have worked very closely with the committee and with the Senator from Michigan in an endeavor to get an act which will carry out the real intent of Congress.

The VICE PRESIDENT. The amendment will be received, referred to the Committee on the Judiciary, and printed.

AMERICAN PRICING METHODS—ADDRESS BY SENATOR O'MAHONEY

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address on the subject American Pricing Methods, delivered by Senator O'MAHONEY on June 22, 1949, before the Chicago Association of Commerce and Industry, at the La Salle Hotel, Chicago, Ill., which appears in the Appendix.]

RADFORD MOBLEY—ARTICLE BY PAUL R. LEACH

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Radford Mobley," written by Paul R. Leach and published in the Miami (Fla.) Herald of June 18, 1949, which appears in the Appendix.]

WARTIME AND POSTWAR ACHIEVEMENTS OF THE ELECTRIC UTILITY INDUSTRY—ADDRESS BY WALKER L. CISLER

[Mr. FERGUSON asked and obtained leave to have printed in the RECORD an address entitled "Wartime and Postwar Achievements of the Electric Utility Industry," delivered by Mr. Walker L. Cisler, executive vice president, the Detroit Edison Co., before the seventeenth annual convention of the Edison Electric Institute, Atlantic City, N. J., June 1, 1949, which appears in the Appendix.]

TRIAL OF JAPANESE WAR CRIMINALS—ARTICLE FROM THE NEW YORK TIMES

[Mr. MCCARTHY asked and obtained leave to have printed in the RECORD an article from the New York Times of June 28, 1949, regarding the trial of Japanese war criminals, and comments by Justice William O. Douglas, which appears in the Appendix.]

MAJ. GEN. WILTON B. PERSONS

Mr. LODGE. Mr. President, in a few days Maj. Gen. Wilton B. Persons will retire from active duty in the Regular Army. General Persons is the officer who, for many years, immediately before and during World War II was the Chief of Congressional Liaison for the War Department. When the Department of Defense was created, he was raised to the position of Director of Legislative Liaison for the Office of the Secretary of Defense.

The historian of the future, if he is at all perspicacious and delves just a little bit below the surface, will give General Persons a high place insofar as the great legislative enactments concerning World War II are concerned. Speaking as one who has been closely associated with this work before, during, and after the war, I can say that without his able efforts many of the most vital measures would never have been enacted and many very dangerous and harmful things which were averted would have happened.

One of the potential weaknesses in our system of government is, first, that the Government is big, secondly, that it is a government of checks and balances, and thirdly, that its personnel is constantly changing. The result of these three factors is to creat huge chasms which divide the legislative and the executive branch of the Government. Yet, if the public interest is to be served, they should work together efficiently. There must therefore be men who are interpreters between the executive and the legislative branch—who act as a bridge across the chasm. General Persons was one of such men. He was a professional soldier with a real knowledge of Congress and a capacity to understand political questions. He handled his office in a way which might well be a model for other departments of the Government who are trying to establish efficient working relations with Congress.

General Persons has had the complete confidence of Secretary Stimson, General Marshall, General Eisenhower, General Bradley, Secretary Forrestal and Secretary Johnson. But it is not for these reasons that he was successful. He is first of all a man of quick and penetrating mind who could grasp the real inwardness of a complicated question. Having grasped it, he could act constructively. He was a man with a real passion for anonymity—to use a much abused phrase. He not only did not wish to exploit or advertise himself; he had a positive desire to keep in the background. He treated men honorably and was so treated by them. He was always a man of his word.

He was a man of courage in a position which on many occasions required a very large amount of moral courage. A gentleman in the highest sense of the term, he carries with him into private life the best wishes of his many friends on Capitol Hill. I ask unanimous consent that there be printed at the close of these remarks a biographical sketch of General Persons and two newspaper articles which relate to his work.

There being no objection, the biographical sketch and articles were ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MAJ. GEN. WILTON BURTON PERSONS, O7088

Wilton B. Persons was born in Montgomery, Ala., on January 19, 1896. Attended Starke University School (military preparatory) 4 years, and graduated from Sidney Lanier High School, Montgomery, Ala. (1913). He was graduated in 1916 from Alabama Polytechnic Institute with the degree of bachelor of science in electrical engineering. Cadet captain color company, ROTC, and was commissioned a second lieutenant in the Coast Artillery Reserve on August 5, 1917. He served on active duty until October 26, 1917, when he was commissioned a second lieutenant, Coast Artillery Corps, in the Regular Army.

PROMOTIONS

He was promoted to first lieutenant on the same date, October 26, 1917; to captain (temporary) on July 27, 1918; to captain (permanent) on July 1, 1920; to major on August 1, 1935; to lieutenant colonel on August 18, 1940; to colonel (temporary) on December 24, 1941; to brigadier general (temporary) on June 24, 1942; to major general (temporary) on November 9, 1944. He was appointed brigadier general of the line, Regular Army, May 23, 1947. Appointed major general, Regular Army, January 24, 1948.

SERVICE

From May until August 1917 he was assigned as an officer candidate to the Seventh Provisional Training Regiment at Fort McPherson, Ga. He was next assigned to the Coast Defenses of Baltimore, Md., at Fort Howard, Md. In May 1918 he went to France with the Fifty-eighth Coast Artillery and served as a battery commander on the western front. He returned to the United States in June 1919 after a period of service in the Army of Occupation.

He then joined the Thirty-first Artillery Brigade at Fort Winfield Scott, Calif., and in December 1919 was transferred to the Eighth Field Signal Battalion at Camp Dodge, Iowa. In 1920 he went to Camp Lewis, Wash., where he was assigned to the Fourth Signal Company. In July 1921 he was assigned as acting officer in charge and later officer in charge of the Alaskan Military Submarine Cable System, and he served on that assignment until June 1924. In March 1923 he was transferred from the Coast Artillery Corps to the Signal Corps.

In June 1924 he went to Springfield, Ohio, to supervise development and manufacture of new apparatus for the Alaskan Cable; and in September 1924 he went to the University of Minnesota serving as a professor of military science and tactics for 5 years. In September 1929 he entered the Harvard University Graduate School of Business Administration, and was graduated in June 1931, with the degree of master of business administration (magna cum laude).

He then was assigned to the Office of the Chief Signal Officer in Washington, D. C., in charge of purchasing and contracting, and in August 1933 was transferred to the Office of the Assistant Secretary of War, where he supervised procurement for the Army, and served as liaison officer with the Military Affairs Committee (House of Representatives) until August 1937. He entered the Command and General Staff School, Fort Leavenworth, Kans., and upon graduation there in September 1938 went to Maxwell Field, Ala., to attend the Air Corps Tactical School.

In June 1939 he was graduated at Maxwell Field, and was rated Aircraft Observer; he then went to Fort Hamilton, N. Y., as Signal Officer of the First Division. In July 1939 he returned to Washington, D. C., for duty in the Office of the Chief of Staff, as aide to the Secretary of War, handling all War Department liaison with Congress.

In December 1941 he became Chief of the Liaison Branch, Office of the Chief of Staff, and in March 1942 was named Chief of the Legislative and Liaison Division, Office of the Chief of Staff, which position he held until July 1948. In this capacity he served as a member of the War Department General Staff as personal representative for Gen. George C. Marshall in conducting War Department relations with the Congress, including processing of all legislation necessary to the conduct of the war. Later he held the same position under Generals Eisenhower and Bradley. During this period he made several aerial inspection trips to Europe and the Middle East for the Chief of Staff of the Army including the amphibious landing in southern France in 1944, and the joint congressional inspection of German atrocity camps in April 1945 under the leadership of Vice President Barkley.

In July 1948 was named Director, Office of Legislative Liaison, Secretary of Defense, where as personal representative of Mr. Forrestal, he had responsibility for direction, control, and presentation to the Congress of an integrated legislative program for the National Military Establishment.

DECORATIONS AND AWARDS

Distinguished Service Medal.
Legion of Merit.
Grand Officer of the Cross of the Sun (Brazil).
The Order of Abdon Calderon from the Government of Ecuador.
Medal of War (Brazilian).
World War I Victory Medal.
Army of Occupation World War I.
American Defense Medal.
European Theater World War II.
North American Theater.
World War II Victory Medal.

In addition to the above-listed schools, the Department of the Army has granted him constructive credits for the following:
Basic Signal Corps School.
Advanced Signal Corps School.
National War College.

[From the New York World-Telegram of July 29, 1948]

GENERAL PERSONS GETS JOB TO SETTLE ROWS IN ARMED SERVICES—SAYS HE WILL TRY TO KEEP DISPUTES WITHIN PENTAGON

(By Jim G. Lucas)

WASHINGTON, July 29.—A soft-spoken Alabaman has drawn one of the toughest jobs in Washington—to see that the Army, Navy, and Air Force quit fighting every time they go before Congress.

Maj. Gen. Wilton B. (Jerry) Persons didn't ask for it. But for the last several months he's been telling Defense Secretary James V. Forrestal such a job had to be set up. Last week Mr. Forrestal made the job, and gave it to General Persons.

Mr. Forrestal announced he was naming General Persons to represent the National Defense Establishment in all legislative matters starting with the special session of Congress. That means the general moves up from his job as chief of the legislative and liaison division of the Army special staff, which he has held since 1942. From now on he'll worry about the Navy and Air Force as well. He'll be succeeded in the Army by his deputy, Maj. Gen. Clark L. Ruffner.

JOB WILL TAKE TIME

"I know I can make it work if they'll give me time," General Persons says. "But if they expect me to start showing results tomorrow or hand them a smooth-running railroad next week they're going to be disappointed."

That means, he says, there'll be no national defense legislative presentation during the special session. He expects to do nothing during this one. By next January, when a new Congress convenes, he expects to have an organization in running order.

During the last regular session, the Army, Navy, and Air Force frequently were at odds. The situation became most troublesome during the fight over the 70-group air force when airmen said one thing in formal statements, contradicted it on cross-examination. It flared again in the Air Force's fight to prevent the Navy's building a 65,000-ton super carrier.

TO KEEP DISPUTES IN PENTAGON

"The armed services lost prestige," General Persons said. "We can't expect Congress to listen to us unless we get together. I hope to act as mediator, and if we have any dirty linen, we'll wash it at the Pentagon, not on Capitol Hill."

General Persons has his own ideas about unification. He directed the fight for it through two sessions of Congress, and is something of a missionary. He believes it can, and must, work.

IN THE RIGHT DIRECTION

Defense Secretary James V. Forrestal has acted to reduce serious friction within the Military Establishment by giving Maj. Gen. Wilton B. Persons the job of settling disputes among the Army, Navy, and Air Force—before their recommendations for legislation are presented to Congress.

By this means Mr. Forrestal apparently hopes to put an end to the rival Army, Navy, and Air Force lobbies on Capitol Hill.

The Persons selection is a good one and will fill a real need—if the heads of the three services give the General their wholehearted support.

Our whole defense program has been confused and delayed by interservice controversies, particularly between the Navy and the Air Force. No more of this should be tolerated.

As General Persons well said, only when those responsible for national security, "quit thinking as Army, Navy, and Air Force men, and start thinking as representatives of the Department of National Defense, can we expect unification to work."

And unification must work if adequate preparations are to be made to protect the Nation from foreign attack. It should not be necessary to resort to further legislative remedies to bring about this unity.

General Persons must be backed to the hilt if he is to succeed in his difficult assignment. If there are diehards in any of the services who do not understand that they are members of a team, they should be replaced by men who do.

OLD-AGE SECURITY—STATEMENT BY SENATOR WILEY

Mr. WILEY. Mr. President, I send to the desk a statement which I have prepared on the subject of improved old-age security. I ask unanimous consent that the text of this statement be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENTS BY SENATOR WILEY ON OLD-AGE PENSIONS

Mr. President, on previous occasions in the Senate, I have called attention to the critical problem of old-age security which exists in our Nation. This is one of the most important challenges facing the Eighty-first Congress—to enact long overdue revisions in our obsolete social security set-up.

On the floor of the Senate and in committee, I have discussed this subject in numerous addresses, too. This is, however, not a subject for talk; words are cheap; it is action that counts. Along with many other Senators, I have introduced numerous bills. For example:

1. To establish a Joint Social Security Committee in order to prepare a comprehensive revision of the social security laws of the Nation instead of a haphazard, piecemeal, or hit-or-miss approach.

2. Legislation to allow old folks and widows to earn more money on the outside, on their own initiative, without losing their modest pensions.

HOW CAN PEOPLE LIVE ON $40 A MONTH OR LESS?

Right now, there are a little under 50,000 folks in the State of Wisconsin receiving old-age assistance. The average amount they receive is around $41 a month. How anyone can live on $41 a month during these inflationary times is a question which I, for one, cannot answer.

There are around 10,000,000 people in the Nation aged 65 or over. Very few of these elderly folks are self-supporting. Only around two and one-half million are receiving old-age assistance. The average for the Nation is around $42.90. In some States, old folks receive around $4 or $5 a week. The number of folks living on personal annuities is comparatively small.

It is shocking to point out that conditions such as $4 a week pensions exist in this, the richest country of the world, a country which is right now considering actual appropriations of over $5,000,000,000 for foreign aid.

OLD AGE IS A NIGHTMARE OF FEAR

The haunting anxiety and fear which old folks in the Nation feel these days is a far cry from the security which they undoubtedly expected to have in their later years. "Grow old along with me, the best is yet to be." These are the words of a poet, but they are not a true description of the grave problems affecting American old folks in 1949.

Many of these folks had thriftily saved their money during their younger years. They had tried to build up a nest egg. They had paid in their insurance policies. They had paid off the mortgages on their homes in some instances. Now, however, they find themselves almost alone, unwanted, unremembered, uncared for by a Nation in which they worked, to whose defense they gave their sons and daughters in our armed forces. They find themselves with the illness and infirmities of age, and with few of its blessings.

HOUSE COMMITTEE DELAYS

For many weeks, now, the House Ways and Means Committee has been considering legislation to change our social-security laws. I know it is not an easy job. There are literally hundreds of proposed changes. I, for one, agree with many proposed changes but cannot agree with others which I feel may not be financially sound. Naturally, there are strong differences of opinion among our colleagues on the best way to go about this job. The legislators on the Ways and Means Committee and on the Senate Finance Committee are in the best possible position to pass on specific proposals; whereas those of us not on the committee must await the experts' recommendations.

Whatever our different approaches, it is obvious however, that there must be an answer and it must be promptly given. It would be most deplorable if this first session of the Eighty-first Congress were to expire without some final action having been taken at least on pension increases. In the Eightieth Congress, we did enact very small increases, but they were obviously insufficient.

TAKING CARE OF FOLKS AT HOME

Let us remember that the old folks of the Nation are patiently watching the Congress, hoping, praying that we will not forget them. Let us recall the words of St. Paul as we explore new ways and means of lavishing money abroad: "If any provide not for his own and especially for those of his own house, he hath denied the faith and is worse than the infidel."

REASONS CHANGES ARE ESSENTIAL

Old age insecurity is a problem that must be answered; (a) basically, because of our humanitarian obligations, our Christian responsibilities to our own people; (b) because these folks need purchasing power if they are to buy the goods made by our businesses and workers; (c) because the disillusionment of our elderly people is an unhealthy condition, threatening their faith in our free way of life.

I should like to have printed in the CONGRESSIONAL RECORD at this point messages from the grass roots of Wisconsin which speak far more eloquently than I possibly could on the need of our elderly folks.

From Sheboygan:

"I am 73 years old. I can't get a job anywhere for I have heart trouble. I have a home and have been a taxpayer for 42 years and have payed to the social-security fund ever since it became a law, an average of about $2.50 per month and I am drawing $35.54 a month in these high-cost-of-living prices. You may wonder how we live. We don't starve for we are cashing our bonds and they are almost gone and then I don't know what we will do. As I say, so far we don't starve but we go hungry to bed many, many times This Government is spending billions on our enemies but forget their own people."

From Redgranite:

"The forgotten man—there are countless numbers. Just struggling along. After losing their savings or part of them in banks that failed, paying real-estate taxes for the support of the public schools in the community, etc., and never been a burden on our country. This kind of a citizen should have some consideration. The Federal old-age and survivors pension, which is based on 1937 prices, and with present prices so high is inadequate. Prices have practically doubled since 1937. My old-age and survivors monthly check is $22.59. What can an American citizen buy for that small sum and try to keep up a home? We paid for this old-age insurance deducted from our pay

checks. We need at least a raise of $10 all over per month."

From Milwaukee:

"I have always been an industrious and sober workman—my wages averaging about $122 a month. With this wage I have helped my two sons to go to college, supported my father for 16 years and my mother for 26 years, in addition to assisting my wife's father when he was old. For the past 5 years I have been incapacitated from working all the time because of heart trouble, thereby lowering my pension. My children have families—little children—that take all they earn to provide for, and are therefore unable to assist us. There are many poor pensioners like myself who have suffered in silence, but this ever-mounting cost of living is proving a tragedy to us, enveloping us in the darkness of hopeless despair."

From Milwaukee:

"I wish to call your attention to our old-age folks who are receiving $45 per month maximum. I read a lot of help in food and clothing is being sent to the European countries, it seems our generosity is unlimited. Yet here, where charity should begin at home, we seem to be overlooked as were our Indians. The cost of living has drove the pensioners to the poor farms, for they cannot live on the $45 per month. We feel we are a very much neglected generation, we would rather die than ask for alms, as we still want to keep our God-given dignity."

From Oshkosh:

"The present debate in Congress reveals the facts that our present Government has billions for Great Britain but only pennies for their old-aged people, who through their work and loyalty helped to bring up our country to its present strength and greatness. More consideration to their old Americans should be paid, as they cannot exist in their declining years with $30 a month, with the present sky-high prices in living cost."

From Sheboygan:

"I am very, very thankful now for my social-security survivors'-insurance benefits, but it isn't enough to keep up my home, support my two dependent children and myself. I am willing to work part time to supplement my income; however, under the present set-up, if I earn more than $14.99, I must forfeit my social-security allotment, which, in turn, means I must take full-time employment.

"My son is only 7 years old, too young to be left alone, and I am not strong enough to take full-time employment, plus the full responsibility of my home and children.

"An increase in survivors' benefits would indeed be a blessing, although I would be grateful if I were allowed to earn $40 per month without losing the benefits I now receive."

From Kenosha:

"I was terribly disappointed in the action that the Senate took in the Eightieth Congress in only raising the old-age pension $5 per month. This is only about sixteen cents and a fraction per day. That is less than a quart of milk and less than a loaf of bread. This reminds me of the words of our Lord when He said, "I was hungry, and ye did not feed Me; I was naked, and ye did not clothe Me; verily, verily, I say unto you, What ye do to the least of my brethren ye do unto Me." I am deeply concerned whether or not we will be called upon to answer all these questions on judgment day. I pray God to forgive us. Many old people are just living on the crumbs that fall from their master's table. Is there anything, ALEX, that you boys down there could do to improve on this situation? Let's not delay any longer. Let's do something now."

From Eau Claire:

"What is going to become of the aged? I have been a widow going on 10 years, have lived carefully, and my money is about gone with no income excepting a widow's social security, and it seems to me the Government should do something. They in Washington think they cannot live on their salary and have had a raise. What on earth do they think an old person can get on a small pension? I do not know just what it is, but believe not over $50. Rent and food are high. If anything can be done to relieve the worry of mind, I am for it. I am 76 years old."

From Watertown:

"I am 63 and have no work because no one wants you. The cost of living and taxation is so high how can a man live without an income? I was told a company in Beaver Dam, Wis., is laying off about 85 men who were 65 or over. I talked to a friend from Milwaukee who went around looking for work, and the first thing they ask is, "How old are you?" And they all say they do not hire anyone who is over 50 years of age.

"It does not seem right that foreign countries can get all the money they want, and some never pay it back but get still more. President's Truman's salary is increased $25,000 and $50,000 to spend as he sees fit, and is not taxed.

"Now, don't you gentlemen think it is time that the citizens of the United States were given some thought and that the old-age pension should be received at the age of 60 years and a living amount of pay?"

From Milwaukee:

"I am 65 years old, sick with heart trouble. The doctor tells me not to work, but the old-age social security is by far not enough to live on. I have to keep on working until I fall over. My wife is 61, also sickly. I am asking you to vote for the social-security increase."

From Cambria:

"I am past 75 and get $15 a month. Can you live on $15 a month? When I go to work under social security and earn $14.99 that $15 per month is taken away from me. Do something about social security."

From Milwaukee:

"I am interested in legislation on social security, specifically—when are they going to lower the retiring age for women from 65 to 60?. I have an aged mother, she is 84 years old, and she is all I have in the world, my only living relative. I should be staying at home with her, but instead I have to work in an office every day, in order to make ends meet. I cannot possibly offord to retire at this time, for my only income is what I earn each week.

"We own our own little bungalow, and have a small amount of money invested, not anywhere near enough to live on, and as I shall be 60 in another year, it would be simply heaven for me if they would lower that retiring age and up the benefits a bit, so's that we would have a small steady income each month. I have paid into the social security fund regularly since its inception January 1, 1937."

SALE OF PUBLIC LANDS IN ALASKA

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 2859) to authorize the sale of public lands in Alaska, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'MAHONEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. O'MAHONEY, Mr. MCFARLAND, Mr. KERR, Mr. MILLIKIN, and Mr. CORDON conferees on the part of the Senate.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Ohio for titles I, II, and IV. Those in favor will vote "aye." [No response.]

Those opposed will vote "no." [No response.]

The substitute not having been voted on, therefore it is a tie, and the substitute is rejected. [Laughter.]

Mr. CAPEHART. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Holland	Mundt
Anderson	Humphrey	Murray
Baldwin	Hunt	Myers
Brewster	Ives	Neely
Bricker	Jenner	O'Conor
Butler	Johnson, Colo.	O'Mahoney
Byrd	Johnson, Tex.	Pepper
Cain	Johnston, S. C.	Reed
Capehart	Kefauver	Robertson
Chapman	Kem	Russell
Chavez	Kerr	Saltonstall
Connally	Kilgore	Schoeppel
Cordon	Knowland	Smith, Maine
Donnell	Langer	Smith, N. J.
Douglas	Lodge	Sparkman
Downey	Long	Stennis
Eastland	Lucas	Taft
Ferguson	McCarran	Taylor
Flanders	McCarthy	Thomas, Okla.
Frear	McClellan	Thomas, Utah
Fulbright	McFarland	Thye
George	McGrath	Tydings
Gillette	McKellar	Vandenberg
Graham	McMahon	Watkins
Green	Magnuson	Wherry
Gurney	Malone	Wiley
Hayden	Martin	Williams
Hendrickson	Maybank	Withers
Hickenlooper	Miller	Young
Hill	Millikin	
Hoey	Morse	

The VICE PRESIDENT. A quorum is present.

A moment ago the Chair rather facetiously announced that the substitute offered by the Senator from Ohio had been defeated, because the vote was nothing to nothing, no Senator having voted on it. The Chair does not wish to make that observation. So the substitute is still before the Senate.

REDUCTION OF GOVERNMENTAL EXPENDITURES FOR THE FISCAL YEAR 1950

Mr. MCCLELLAN. Mr. President, a few days ago the Committee on Expenditures in the Executive Departments reported Senate Joint Resolution 108, which now is on the calendar. We were very hopeful that the joint resolution might be called up and considered at an early date, but it was indicated then that because of the crowded calendar it would not be possible to bring up the joint resolution for some time.

In order that there might be some expression from the Members of this body as to the strength of the support of the joint resolution, a petition was circulated among the membership, addressed to the majority leader and also to the minority leader, requesting that they so arrange the schedule of business for the Senate that the joint resolution might

be brought up at the earliest practicable date.

The petition has been signed by 61 Senators, 24 Democrats and 37 Republicans, representing 40 of the 48 States, States that have about 94 percent of the population of the Nation. In respect to 21 States, both Senators have signed the petition.

The petition has been delivered to the majority leader, the Senator from Illinois [Mr. LUCAS], and the minority leader the Senator from Nebraska [Mr. WHERRY]. It is hoped that the petition will be presented to the respective policy committees of this body, and that early action will be taken on it. At this time I ask unanimous consent that a copy of the petition, together with the names of the signers thereof, be printed in the RECORD at this point, as a part of my remarks.

The VICE PRESIDENT. Is there objection?

There being no objection, the petition, together with the names of the signers thereof, was ordered to be printed in the RECORD, as follows:

To the Honorable SCOTT W. LUCAS, majority leader of the Senate, and to the Honorable KENNETH S. WHERRY, minority leader of the Senate:

The undersigned Senators respectfully request that the majority leader of the Senate, Senator LUCAS, and the minority leader of the Senate, Senator WHERRY, so arrange the schedule of the business of the Senate that Senate Joint Resolution 108, entitled "Joint resolution to reduce expenditures in Government for the fiscal year 1950, consistent with the public interest," shall be made at the earliest practicable date the unfinished business of the Senate, so that said resolution may receive full consideration of the Senate and be brought to a vote on final passage.

Democrats: JOHN L. MCCLELLAN, MILLARD E. TYDINGS, VIRGIL H. CHAPMAN, BURNET R. MAYBANK, JAMES O. EASTLAND, KENNETH MCKELLAR, A. WILLIS ROBERTSON, WALTER F. GEORGE, HARRY F. BYRD, G. M. GILLETTE, CLYDE R. HOEY, E. C. JOHNSON, SHERIDAN DOWNEY, SPESSARD L. HOLLAND, J. ALLEN FREAR, JR., PAUL H. DOUGLAS, G. L. WITHERS, TOM CONNALLY, PAT MCCARRAN, J. W. FULBRIGHT, JOHN C. STENNIS, OLIN D. JOHNSTON, ELMER THOMAS, JOHN SPARKMAN.

Republicans: STYLES BRIDGES, KENNETH S. WHERRY, CLYDE M. REED, CHAN GURNEY, EDWARD J. THYE, JOHN W. BRICKER, ANDREW F. SCHOEPPEL, ROBERT C. HENDRICKSON, JOHN J. WILLIAMS, OWEN BREWSTER, WILLIAM F. KNOWLAND, ZALES N. ECTON, ROBERT A. TAFT, ALEXANDER WILEY, CHARLES W. TOBEY, JOE MCCARTHY, RAYMOND E. BALDWIN, JAMES P. KEM, HOMER FERGUSON, EDWARD MARTIN, EUGENE D. MILLIKIN, W. E. JENNER, RALPH E. FLANDERS, MARGARET CHASE SMITH, BOURKE B. HICKENLOOPER, KARL E. MUNDT, GEORGE W. MALONE, IRVING M. IVES, HOMER E. CAPEHART, LEVERETT SALTONSTALL, HUGH BUTLER, FORREST C. DONNELL, MILTON R. YOUNG, H. ALEXANDER SMITH, HARRY P. CAIN, H. C. LODGE, JR., ARTHUR V. WATKINS.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I am very glad to yield to the able Senator from Michigan.

Mr. VANDENBERG. I do not have a copy of the joint resolution before me. Does the Senator have a copy?

Mr. MCCLELLAN. I do not have a copy of the resolution.

Mr. VANDENBERG. I think it would facilitate matters greatly if I could inquire of the Senator what some of the language in the joint resolution means.

Mr. MCCLELLAN. I may say to the able Senator from Michigan, I was not at this time preparing to move to bring up the resolution for consideration. I shall be glad to endeavor to answer the qeustion, but I simply want to make it clear that I was not undertaking to have the unfinished business laid aside at the moment. The purpose of the petition primarily was to indicate to the leadership of the respective sides of this body that the resolution has that strength of support which certainly should recommend to the leadership that it is of such importance, or the signers think it is of such importance at least, that an opportunity should be afforded to vote on it just as soon as it can be scheduled to come up as the unfinished business of the Senate.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. MCCLELLAN. I am glad to yield.

Mr. VANDENBERG. I may say to the Senator, I find that, even among those who have joined him in his resolution and in his petition, there seems to be some considerable difference of opinion as to the correct interpretation to be given to the language at the top of page 2 of the joint resolution. I call the Senator's attention to the language, at the point where the directive is given to the President, that the reduction he is to make "will in the aggregate equal not less than 5 percent nor more than 10 percent of the total amounts estimated for expenditure in the budget for the fiscal year 1950 by all agencies." I pause there. That is the language which I understand was in the previous resolutions which were introduced upon this subject. The language is perfectly clear. The President is to apply his reductions to the estimates in the budget. The joint resolution which the Senator reports in behalf of himself and his colleagues then adds the following language:

As adjusted to conform with the total amounts estimated for expenditure under appropriations and funds actually made available prior to the expiration of such session.

It is at that point that I want to submit my question to the Senator, because as I read the language I came to a conclusion which I understand is totally different from that contemplated by the able Senator himself.

I should like to make a brief explanation of my question. It seems to me that if such a theory of action is to be applied—and I think in some aspects it is a rather dubious theory, inasmuch as Congress is asking the President to do something which it, itself, has been unable to do—but if the President is asked to apply a cut of from 5 to 10 percent to appropriations which have already been cut 5 or 10 percent in the Appropriations Committee and by the action of Congress, it is perfectly clear that if he uses his authority under such circumstances those particular appropriations will have suffered a double penalty. As I understand now—and this is the question I am asking the Senator—the interpretation of this language is, that the President's reduction of from 5 to 10 percent will be applied in the first instance to the budget estimates, and that if, subsequent to the budget estimates, Congress itself has made substantial reductions in certain appropriations, when the President applies his percentages he must take into account the reductions which Congress has made in those particular appropriations.

Mr. MCCLELLAN. Let me say this: The President can take into account any reduction made in any appropriation and apply no cut to that particular appropriation at all. He is not required to make a cut on every item nor is he required to make a cut on every agency.

Mr. VANDENBERG. I understand that. But let me ask the Senator for his interpretation of the language in lines 4 to 7.

Mr. MCCLELLAN. The reason this language appears in the joint resolution is that we want to make the cuts apply to expenditures. My understanding of the language is that it is actually the reduction of expenditures we seek, not a reduction of the budget estimates. But we make it apply to from 5 to 10 percent of the budget estimates, as adjusted by the appropriations. In other words, if we appropriate $1,000,000,000 less than the budget, then the 5 percent would apply to the total appropriations for this year, as adjusted—that is, as the final appropriations are made. But this language also permits cuts to be made in appropriations of previous years which are still carried over. For instance, if such appropriation had not been fully obligated, the President could make cuts in them because those are expenditures this year. It is the actual expenditures we are trying to reduce, and the reduction must be applied ultimately to the expenditures in order to balance the budget.

Mr. VANDENBERG. I do not think I have made my question clear to the Senator. Suppose we personify it in merely round numbers. Let us say that the budget recommended $4,200,000,000 for ECA. Let us say that when Congress has finally acted upon the ECA budget it has cut it by 10 percent and has reduced it in round numbers to $3,800,000,000. Let us deal with those two figures. The budget estimate was $4,200,000,000. The appropriations are $3,800,000,000.

Mr. MCCLELLAN. That is the adjustment. That is where the word "adjustment" comes in. That is what it was adjusted to by the Congress.

Mr. VANDENBERG. Does the 5 to 10 percent apply to the $4,200,000,000 or to the $3,800,000,000?

Mr. MCCLELLAN. The 5 to 10 percent does not apply to either. It applies to the total expenditures. The President does not have to cut one dime from the ECA.

Mr. VANDENBERG. Let me rephrase my question. When we reach the sum total to which the percentage applies, does the Senator use the $4,200,000,000 or the $3,800,000,000?

Mr. McCLELLAN. We use the $3,800,000,000. That is the adjusted figure.

Mr. VANDENBERG. The adjusted figure represents a 10-percent cut which Congress has already made in ECA, and the Senator puts ECA, which has been cut 10 percent, whereas no other appropriation has been cut 10 percent, so far as the President's power is concerned, on an exact level with every other appropriation which has not been cut at all.

Mr. McCLELLAN. That is correct, and that applies to every appropriation. After the adjustments have been made by the Congress—they may be adjusted upward in some instances, though I do not know that I can cite any specific instances—Congress may appropriate $10,000,000 more than is estimated. That is why an adjustment is used, so it will not apply to the budget estimate, which may have been changed so far as expenditures are concerned by the adjustment which Congress makes in the amount.

Mr. VANDENBERG. I understand that; but the Senator's explanation now drives me squarely back to my original fear, and that is the fear of double jeopardy.

Mr. McCLELLAN. I would say to the Senator that, frankly, I think Congress should make whatever cuts are to be made in the ECA. I think that is one appropriation which we can reduce. ECA is not like other governmental agencies. We are pouring out that much money and it is being spent for a specific purpose. We are not appropriating for two or three items particularly mentioned, but the amount is to be spent for an over-all objective, whereas with any other agency the appropriations are pretty well earmarked down to the last dollar. For that reason I think Congress can take the responsibility in making cuts in ECA. That is my own opinion. I think Congress could and should take that responsibility. But under this language, according to my interpretation of it, the President could further cut ECA or any other appropriation. There is no instance excluded from his power to cut, within the limitation.

Mr. VANDENBERG. That was my original interpretation. I particularly emphasize the statement which the Senator himself has made, that it will be very difficult for the President to apply this authority through the ordinary operations of the Government, because they are too well set in cement, and therefore, under the Senator's own statement, the probability is that when the President comes to exercise this authority he will have to exercise it upon appropriations such as those for ECA which do not have any traditional limitations. Therefore, it seems to me that what the able Senator is proposing is an inevitable delegation of the Presidential power to reduce appropriations such as ECA which have already taken the maximum cut the Congress believes should be made. Yet, the Senator is going to propose, by proxy, to order an additional cut which the Senate Appropriations Committee itself has not been able to justify.

Mr. McCLELLAN. As I have said to the able Senator, it is difficult for the Congress to go into these administrative agencies and find out this item or that item which can be eliminated. But I asked the representatives of the Bureau of the Budget the direct question whether they could go into those agencies and make cuts, and they said they could. This is the only reason, as I see it, for the Congress to delegate this power to the President. Of course, what moves us to do it is the financial situation of the country, the fiscal problem which we are facing of returning to deficit spending. But the President and the Bureau of the Budget, staffed by 530 persons who work at the job the year around, are better prepared than is the Congress to make cuts in an effort to balance the budget, where they will do the least harm, where they will least disrupt proper governmental functions and services. That is why I say I think Congress can and should take the primary responsibility—I am speaking only for myself—with reference to a cut in ECA appropriations. But I would say to the able Senator that in the course of the next fiscal year I cannot know and the Senator cannot know what will develop with reference to our finances, and it may become necessary for further cuts to be made in ECA. With the President of the United States supporting the ECA and insisting that he needs all the money which may be provided to carry out the program, I am very sure the matter will be in sympathetic hands and the cut will not be applied there unless it is a matter of last resort.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I am glad to yield.

Mr. VANDENBERG. I am asking no special consideration for ECA. I have made it quite plain that I think it is the duty of the Senate Appropriations Committee to make every legitimate and justifiable reduction it can make without wrecking the objective of the enterprise, but I do not want ECA to be prejudiced in advance when its appropriations pass in review before the President, when he is about to exercise this power. I submit that in fairness to all concerned, all appropriations should be on a parity so far as the action of the President is concerned in the first instance. They are on a parity if we apply our percentages to the budget estimate, but when they are applied to the budget estimates as readjusted by Congress, we have then penalized those institutions and activities which have already taken a substantial cut from Congress.

Mr. McCLELLAN. Let me say to the Senator that there is a delegation of discretion to the President in this proposed legislation to make the cuts where he thinks they will do the least harm. We all know that. As to the Senator's apprehension that we might cut ECA in the Congress as far as we thought it should be cut and then impose upon the President the duty of cutting it further, perhaps, if we make a substantial cut in ECA, there can be a provision written into the law that it would not apply to ECA funds. We have not yet reached that point, and I cannot foretell, nor can anyone else, what will happen. So we must deal with the subject on an over-all basis.

Mr. VANDENBERG. I think the Senator sees my point.

Mr. McCLELLAN. I do. I have stated the situation according to my understanding of it. I wanted to be fair.

Mr. VANDENBERG. The Senator has been fair and frank in his explanation of the situation to which my theory of double jeopardy applies. I should like to have some device of this sort adopted, but I want it to be applied on a basis of equality, and it seems to me that if we are to apply it on a basis of equality we have to apply it at some point where equality exists. It exists in the budget estimates which the President sends to the Congress, because they are the starting point for everything. I, therefore, do not understand why the Senator does not apply his percentages to the budget estimates.

Mr. McCLELLAN. If we apply them only to the budget estimates, we do not include the appropriations which have been made, under which $6,000,000,000 will be paid out this year which was actually appropriated last year. Those appropriations would not be reached. That is one reason for the proposal. After all, we are not trying to reduce the budget; we are trying to reduce the money the Federal Government is going to pay out in fiscal 1951.

Mr. VANDENBERG. I understand that; but under the formula proposed by the Senator, as I read it, the ultimate reduction in appropriations can be very unfair, and can completely ignore all the economies which have been voted by Congress itself. It is at that point that I raise my protest.

Mr. McCLELLAN. The Senator is speaking with reference particularly to ECA?

Mr. VANDENBERG. That is correct, using that as a prime example. It seems to me that the economies which Congress orders in the ECA should be a credit against the 5 to 10 percent reduction which the President is subsequently directed to make.

McCLELLAN. If a substantial reduction is made in ECA, if Congress itself cuts it down below the figures for which we are asking, or to a point comparable to these figures, I see no reason why, when the bill is before the Senate, a provision could not be written into it wholly protecting that. No one is contending that the joint resolution is perfect, and I may say further to the Senator that even if the action I have suggested has not been taken when the joint resolution comes up, certainly an amendment would be in order, and the matters the Senator is discussing could be taken care of if they presented themselves in a way which appealed to the judgment and wisdom of the Senate.

I wish to say to the able Senator that he is familiar with the circumstances about which the issue arose. Three resolutions were offered, all seeking the same objective, namely, balancing the budget. We do not say in this resolution that the budget should be balanced. There is no mandatory directive to the President to balance the budget, but to go

somewhere between 5 and 10 percent of the budget, as adjusted by the actual appropriations made, toward balancing the budget. If there should be a further decline in national income, and we are not able to reduce the appropriation bills very much, we are going to have probably a $5,000,000,000 deficit next year. This joint resolution would not under any circumstances wipe out a $5,000,000,000 deficit. So we did not want to place in the resolution a directive that the President should balance the budget, and make it that positive, because the President might find himself in a situation where it would be either impossible to do that or not wise to do it.

Mr. VANDENBERG. The able Senator will not misunderstand my attitude in this matter. I am opposed to new taxes or deficit spending in this fiscal year.

Mr. McCLELLAN. I understand that.

Mr. VANDENBERG. Therefore I am one of those who think we must strive for maximum economy. This method suggested may be an unavoidable recourse in order to accomplish that objective. I merely want to make sure that the language of the directive to the President does not mathematically drive the President into ignoring all the economies which Congress itself may have voted into an appropriation like that for ECA, and fail utterly to take account of what undoubtedly will be a substantial reduction in ECA by Congress itself.

Mr. McCLELLAN. Of course, that could be taken care of under the terms of the joint resolution as it is now. The President can in his discretion take into account whatever reductions Congress effects as to anything. He is not forced to make a cut in the appropriation for any particular agency.

Mr. VANDENBERG. Unless he is compelled by the ultimate sheer arithmetic itself.

Mr. McCLELLAN. Five percent of, let us say, around $40,000,000,000, would be $2,000,000,000. He is not compelled to balance the budget. He can comply with the resolution by making a 5-percent cut, which would mean a reduction of $2,000,000,000.

Mr. VANDENBERG. He would be compelled, however——

Mr. McCLELLAN. To do that much.

Mr. VANDENBERG. To find the $2,000,000,000, not out of the $42,000,000,000, but out of about $27,000,000,000 which is the only field available to him.

Mr. McCLELLAN. We know that.

Mr. VANDENBERG. Therefore the arbitrary directive to him, insofar as the ultimate mathematical application is concerned, is not a 5-percent directive but an 8- and 9-percent directive.

Mr. McCLELLAN. It is as to those funds. But in the contemplation of the resolution we take as the basis the budget as adjusted by appropriations. If there were some way by language to eliminate, we will say, every absolute, fixed and untouchable expenditure, and reduce the totals to $27,000,000,000, as the Senator suggests, we would have to apply another percentage than the 5 percent in order to bring about a reduction of even $2,000,000,000.

Mr. VANDENBERG. What would the Senator say to an amendment which directed the President to count as a credit, against the 5 to 10 percent reduction which he must make, any reduction below the budget figures which Congress itself has made in regular appropriation bills in either House?

Mr. McCLELLAN. Does the Senator mean to make it apply as a credit to the particular appropriation?

Mr. VANDENBERG. Yes, and a credit against the total.

Mr. McCLELLAN. Of course, the Senator from Arkansas can not speak for others, but if the Senator from Michigan will prepare such an amendment and offer it, I shall immediately call the committee together to consider it. I can not tell the Senator what the committee would do, but I believe that would be the proper procedure.

Mr. VANDENBERG. What I am trying to get from the Senator is some expression of sympathy for the viewpoint which I am undertaking to express.

Mr. McCLELLAN. I expressed it in the very beginning. In the first place I said, although I may be wrong about it, that I see no serious difficulty in Congress itself reducing the ECA to whatever figure it thinks it should be reduced to, taking into account the over-all objective of trying to hold expenditures down. I think it is much easier for Congress to apply a direct cut to ECA appropriations than to many of the other appropriation bills. My first expression was that I thought Congress ought to do that. Then I said I could see the way by which it would be possible to force credit for that reduction by simply using appropriate language in the bill itself, if this joint resolution in the meantime shall be passed. Or, if the joint resolution shall not be passed, then it would be possible to place appropriate language in the joint resolution to take care of the matter.

Mr. VANDENBERG. May I have the consolation of thinking that the able Senator believes that might be a fair thing to do?

Mr. McCLELLAN. Yes.

Mr. VANDENBERG. I thank the Senator.

Mr. McCLELLAN. I would say that, and I mean it very sincerely. I am not seeking to find some way by which the President can tear up something, or destroy any particular function or service that is provided for by appropriations.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WHERRY. I desire to ask the Senator a question, but I should like to submit an observation on which I may base it, I wish to keep faith with the mechanics of our procedure in the Senate.

I have listened with deep interest to the colloquy which has taken place between the senior Senator fom Michigan and the senior Senator from Arkansas. I fear I totally misinformed the Senator from Michigan of my interpretation of the three lines in question. It was my feeling that the figures would be adjusted if cuts were made in appropriations on the Senate floor below the budget estimates, by credit being extended. It was not my idea that the Senate perhaps might cut an appropriation 15 percent, and the House might cut an appropriation 15 percent, and then a further cut be made. That was not my idea.

Mr. McCLELLAN. I may say to the Senator why I had no serious apprehension about that matter. I do not know, but I am of the opinion that the President is just as anxious that the ECA functions be carried on as is the able Senator from Michigan. I know the President would not be compelled to make cuts for any particular agency. He could use his discretion to the end that the agency could be administered properly and effectively.

Mr. WHERRY. Let me call to the attention of the distinguished Senator from Arkansas that the point raised by the Senator from Michigan is that, regardless of the attitude of the President on any one appropriation, especially the one mentioned, dealing with ECA, the arithmetic of the plan might foreclose him from carrying out his wishes. For that reason the Senator is attempting, at least I suppose he is, to see that the mathematical working of the proposal does not result in what I mentioned just a moment ago, a cut being made in the Senate and a cut being made in the House, and then another cut being made in an appropriation which might possibly greatly handicap one of the functions of Government. I ask the distinguished Senator from Arkansas if it is not a fact that it was not the intention of the membership of the committee to permit cuts to be made unfairly on any appropriation.

Mr. McCLELLAN. The Senator knows very well it was not the intent of the committee to do so. I may say to the able Senator from Michigan and the able Senator from Nebraska that if the resolution needs amending, in equity and in justice, I have confidence—I cannot speak for the whole committee—that the committee would be more than willing to consider any suggested language and would take any action on it.

Mr. WHERRY. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I am glad to yield.

Mr. WHERRY. Would there be any objection to striking the language after the word "agencies" on page 2, in lines 4 and 5, as follows: "as adjusted to conform with the total amounts estimated for expenditure in appropriations."

If that language were deleted from the joint resolution I cannot see that any difficulty would arise. I can see the need for retention of the remainder of line 6 and of line 7, as we have a perfect right to bring under this cut appropriations which are to be spent in the present fiscal year. I think that langauge should remain in the resolution. But I cannot see why it would hurt the joint resolution at all to delete the language I suggested. If that language were out of the measure it would make the provision clear.

Mr. McCLELLAN. If that language is deleted the $6,000,000,000 that is actually

going to be spent, that is, taken out of the Treasury during the next fiscal year, which was appropriated for prior to this year, will be excluded from any cuts whatever.

Mr. WHERRY. That certainly would be true if the remainder of line 6 were deleted. If the Senator believes that deletion of the language I read would have the effect he has stated, I would not disagree with him. But I want the RECORD to show that so far as I am concerned I should be glad to entertain an amendment to clear up the situation which the distinguished senior Senator from Michigan has brought to the attention of those who are interested in the joint resolution. If, somehow, a credit could be made to an appropriation that has been cut below the Budget estimate, in order to prevent any unfair cut in appropriations for any other agencies, I most certainly would be interested in such an amendment.

Mr. McCLELLAN. I do not think it would be very difficult to draft language to apply to all agencies with respect to which Congress makes cuts below the budget recommendations that such agencies be credited with the cuts so made. That was a matter not called to the attention of the committee. It was not contained in any of the three measures we considered. So far as I am personally concerned, I should like very well to work with the Senators interested in this aspect of the matter, and undertake to draft language which I can take before my committee and have the committee consider it, and probably report it as a committee amendment to the joint resolution.

Mr. VANDENBERG. Mr. President, I want to thank both the able Senator from Arkansas and my able friend from Nebraska for sympathizing with the objective to which I have been addressing my remarks, and I think that we have probably found a common denominator.

Mr. REED. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Kansas.

Mr. REED. The language of Senate Joint Resolution 108 is the language of the committee of which the Senator from Arkansas is chairman. I happen to have been fairly active, however, in the proceedings which led up to this situation. Along with the Senator from Maryland [Mr. TYDINGS] I joined in introducing the first joint resolution on this subject. Then the Senator from Nebraska with two other Senators, joined in introducing the second one. Then I individually introduced the third one. I went before the Senator's committee to make a brief discussion of the measure. Then the Senator from Arkansas and I undertook to find out how much support we had in the Senate.

I think the Senator from Arkansas will agree that what we have done has all been more or less experimental. We have not tried to foreclose anybody on anything. One day in a conversation with the Senator from Michigan, I told him that I thought it might be well that the Senator from Arkansas, the Senator from Nebraska, the Senator from Michigan, and any other Senator interested, have informal discussions to see if we could resolve any of the differences which now appear to exist. I have discussed the matter informally with the Senator from Arkansas. It was not my thought that we would undertake even if the votes were available, to pass Senate Joint Resolution 108 until all appropriation bills have cleared the Congress. Does the Senator from Arkansas agree with what I have said?

Mr. McCLELLAN. I do not know that we necessarily have to wait until all appropriation bills have cleared the Congress. I may say to the able Senator from Kansas that I wanted to make certain that the joint resolution would not die on the calendar just because one or two Senators may object to its consideration. I wanted to obtain assurance, if possible, that the Senate would have an opportunity to vote on the joint resolution. I am not particular about the time of voting on it. I think we might well wait until we get further along with the appropriation bills.

Mr. REED. I agree with the Senator from Arkansas to the very last syllable of what he has said.

I may say to my friend the Senator from Michigan that he also has in me a friend who is not unsympathetic with ECA. There has never been any intention and no discussion and no desire anywhere, so far as the Senators actively connected with this movement are concerned, to do any injury to the ECA. I think probably the best way to handle the program would be to take the budget estimates as a base. There we have a fixed base. Then, in the absence of any extraordinary circumstances, give any and every agency credit against further cuts.

Mr. McCLELLAN. Does the Senator mean to take the budget estimate as the base for credits wherever cuts are made?

Mr. REED. Yes.

Mr. McCLELLAN. I think that would be well. I see no objection to it. But if we are going to restrict expenditures we must make the ultimate cut apply to expenditures. I mean, we must determine that we are going to reduce the expenditures by, let us say $2,000,000,000 or $2,500,000,000, or some such figure.

Mr. REED. I am as desirous as is the Senator from Arkansas to reduce governmental expenditures so far as we can fairly and reasonably do so. And not even in the case of the ECA, I may say to the Senator from Michigan, do I want to go any further than we fairly and reasonably can go.

Mr. McCLELLAN. The junior Senator from Michigan [Mr. FERGUSON] has been on his feet for some time, and I now yield to him for a question.

Mr. FERGUSON. I should see whether we can get an interpretation of this resolution which will be satisfactory, and whether we can arrive at what we are actually trying to do.

Is it not true that what we are trying to do is to compel the President to cut 5 percent from the budget estimates plus the carry-overs from previous years? Is not that the intent?

Mr. McCLELLAN. The intention is to reduce expenditures which will be made justed if cuts were made in appropriapriations made this year and the carry-over appropriations. We are trying to cut expenditures.

Mr. FERGUSON. That is what I am talking about. The President's estimates are estimates of expenditures.

Mr. McCLELLAN. But some appropriations made this year will not be expended during the next fiscal year. They will take the same status as the present carry-overs. All of them may be obligated, or they may be obligated only in part. The expenditure of the money appropriated this year may not be made until the fiscal year 1951, and some of it in 1952.

Mr. FERGUSON. Ultimately what we are trying to do, when we say "equal not less than 5 percent" is to say to the President, "You shall cut the amount of the present estimated budget of expenditures."

Mr. McCLELLAN. At least 5 percent, subject to the adjustments which Congress may make. If the Congress appropriated more than the budget, he would have to cut that total 5 percent; and if it reduced the budget, he would make the adjustment downward, and make the 5 percent apply to that amount.

Mr. FERGUSON. When we get through we say to the President, "Cut the budget estimates of expenditures 5 percent."

Mr. McCLELLAN. As they have been adjusted by the Congress.

Mr. FERGUSON. Is there any language in the resolution which takes away from the President the discretion to say what particular appropriations he shall cut? I am interested, as I think we all are, in ECA. But do we find any language which requires the President to cut any more from any particular item than from any other, or which makes one item sacred? That is within his discretion, is it not?

Mr. McCLELLAN. It is absolutely within his discretion. He can eliminate an item entirely, or he can retain it and reduce it. The only restriction in that regard is that he cannot cut any agency more than 20 percent.

Mr. FERGUSON. Under section 4 of the resolution he is limited to 20 percent.

Mr. McCLELLAN. If we indulge the assumption that the President might want to reduce the ECA expenditures, he could not reduce them more than 20 percent.

Mr. FERGUSON. Could we not arrive at the same result by eliminating, in line 4 on page 2, the words "as adjusted to conform with the total amounts estimated for expenditure under appropriations," so that it would read——

Mr. McCLELLAN. I see what the Senator means, but I think we had better get some pretty good counsel before we eliminate that language, because if we are not careful we shall eliminate appropriations in previous years which will be expended during the next fiscal year.

Mr. FERGUSON. I would retain that feature by the language "and funds actually made available prior to the expiration of such session." That would include the carry-over, would it not?

Mr. McCLELLAN. It might; but what are we to do with the word "adjusted"? To what are we to apply the cut?

Mr. FERGUSON. We are going to apply it to the amount of the estimates for expenditures. We do not have to pay any attention to what Congress has done with a figure, whether it increases it or decreases it, as compared with the budget estimate. All we have to do is to be sure that the President reduces the budget estimate by not less than 5 percent nor more than 10 percent.

Mr. McCLELLAN. What the Senator is suggesting is to strike out "as adjusted to conform with the total amounts estimated for expenditure under appropriations."

Mr. FERGUSON. That is correct.

Mr. McCLELLAN. I do not know whether that would reach as far as we think it should. Let me say to Senators who are interested in this proposal that if we are to attempt to rewrite that provision we had better try to do it in committee, and not here on the floor of the Senate this afternoon. I am expressing some opinions which are my own, after consultation with representatives of the Bureau of the Budget, as to how the Bureau of the Budget would interpret this language, and what the effect of it would be. If the Bureau of the Budget is actually to make the cuts, I think we had better check with the Bureau of the Budget and get its interpretation of the language before we change it, and also its interpretation of whatever new language we propose to adopt, before we adopt it.

Mr. FERGUSON. I think something should be done rather soon with respect to the language, so that we may arrive at the proper language, for this reason: The able Senator who has introduced this joint resolution and I are members of the Committee on Appropriations. We certainly do not want anything in this resolution, while it is pending, which would influence the action of the Appropriations Committee in deciding whether or not to cut a particular bill in conformity with this language. That is what I am getting at. I would rather debate it this afternoon, in order that we might arrive at the proper language.

Mr. McCLELLAN. My opinion at the moment is that we should consult about it before reaching a final decision. I think we can leave the language in the resolution just as it is, and then write a provision that where cuts have been made by the Congress under budget estimates, those cuts shall be applied as a credit toward reductions in the particular agency. When we do that, we answer the problem submitted by the able senior Senator from Michigan [Mr. VANDENBERG], and we answer it as to every other agency of Government.

Mr. FERGUSON. Does not the Senator feel that we ought to add a further provision that the President might take such action into consideration, but not compelling him to take it into consideration? Otherwise we would make our amount sacred and he could not cut it.

Mr. McCLELLAN. If we give credit wherever the cuts are made, I think that is pretty fair to all the agencies.

Mr. FERGUSON. Does the Senator propose to take away any of the discretion which the President now has?

Mr. McCLELLAN. He would still have all the discretion he now has, except that if $100,000,000 has been appropriated for operation of the Rural Electrification Administration, for example, or some other agency of Government, and that is $10,000,000 below what the Bureau of the Budget recommended, that reduction would be applied as a credit to that agency. That would be 10 percent. He could not possibly cut more than another 10 percent. That would reduce his area of operation.

Mr. FERGUSON. But that language would not take away his discretion to cut up to an amount equal to 20 percent under section 4?

Mr. McCLELLAN. Not under this resolution. He could still go that far. We cannot accomplish our object by means of this vehicle, or any other I know of that we might employ, without leaving considerable discretion in the President. If we are not willing to do that, we might as well forget about any economy measure.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. KNOWLAND. I should like to ask the able chairman of the committee, one of the authors of this joint resolution, whether he has given consideration, after refining the language in line with the discussion here today, to the matter of preparing his resolution in alternative form, so that prior to the passage of the last appropriation bill it might be offered as an amendment to that bill.

I am a little fearful that, with the congested legislative calendar, if we wait until the final appropriation bill has been passed, and we get into the closing days of the session, and the Congress passes this resolution, it may be subject to a pocket veto unless it is passed sufficiently ahead of the final adjournment sine die of the session. I wonder if the Senator has given consideration to the possibility of having an alternative proposal, so that it might be attached to an appropriation bill if that should be deemed wise.

Mr. McCLELLAN. I have not reached any definite conclusion in that connection. It is often suggested that if we cannot do a thing one way we can do it another.

I am not trying to crowd out anything else. I know that we have a congested calendar, and I know that the leadership has a problem as to what legislation should be brought up and disposed of next. Let me say in all frankness and sincerity that all I wanted to do was to obtain some assurance that the joint resolution might be brought up, with a view to a clear-cut discussion of it and a vote on it one way or the other.

Many of us are doing a great deal of talking about how much we want to economize in Government, for the benefit of our folks back home. If we obtain consideration for the joint resolution, on a clear-cut issue, we can go on record for it or against it, and there will be no misunderstanding whatever as to whether we are for economy or whether we are merely talking economy.

Mr. KNOWLAND. Mr. President, will the Senator yield for one more question?

Mr. McCLELLAN. I yield further to the Senator from California.

Mr. KNOWLAND. I should like to say to the Senator from Arkansas that I quite agree with his statement, but I think that taking steps to assure that reductions in expenditures will be made, even over a possible veto, is more important than merely getting a record vote in the Senate on the joint resolution, because attempts already have been made to secure reductions in the appropriation bills as they have come before us. However, inasmuch as Senators have failed in their effort to do that, the only hope of actually accomplishing some economy at this session will be through the vehicle of the Senator from Arkansas has suggested.

If we are interested in the end result, rather than in merely having a record on the end result, then I think we must have this matter before the Senate at a sufficiently early date so that if later the joint resolution is vetoed by the President, there will be an opportunity for us to pass it over a veto in any event, whereas if we wait until 5 days before adjournment sine die, we shall have had a record vote, all right, but we shall not have accomplished the end result we seek.

Mr. McCLELLAN. Oh, yes. The Senator from California has asked whether I have given consideration to those matters. Of course I have. But at this stage or, I trust, at any stage in the consideration of this measure I certainly do not want to speak or act in a way which could be interpreted as a threat toward the leadership that, "If you do not do this, we will do something else."

I have introduced this measure and have worked on it. It was not the original idea. The original idea of having a vehicle like this, in order possibly to get some results, came to the committee, and the committee felt that it should do what it could to have some action taken in the situation, and the commitee has reported the joint resolution to the Senate.

So far as the responsibility of the leadership of the Senate to arrange the Senate's schedule is concerned, I know there are many problems and many measures awaiting action; but I wish to give the leadership the opportunity to present the joint resolution, and I hope the leadership will speedily bring the joint resolution before the Senate for consideration at an early date, so as to let us have a chance to vote on this measure, standing on its own merits.

Of course, if we cannot have direct action taken on the joint resolution in time to make certain that we can conclude the job one way or the other, certainly there still remains the opportunity to consider what else should be done, and yet not act too hastily.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. FERGUSON. Do not we in the Senate face the complication that, because of the rule, if an attempt is made to put the language of the joint resolution into an appropriation bill, as an amendment to it, regardless of whether it be the last appropriation bill or any other appropriation bill, we shall face the proposition that it is legislation on an appropriation bill, and therefore must obtain a two-thirds vote, whereas standing as an independent measure, a majority vote would suffice?

Mr. McCLELLAN. That is true. But at the same time I say to the Senator from Michigan that is one reason why some of us circulated this petition. I do not mean to say that any Senator who has signed the petition is absolutely bound to vote for the joint resolution, when and if it comes before the Senate. But certainly the petition indicates that at least two-thirds of the Members of the Senate—because three Senators who are cosponsors of the joint resolution have not yet put their names to the petition, but when their names are added to the 61 names already on the petition, that will make 64, which is a constitutional two-thirds majority of the Senate—want an opportunity to consider this issue and to vote on it. With that manifestation of interest and strength, at the moment it seems to me that if we cannot get the joint resolution passed otherwise, then we shall be warranted, if we conclude to do so, in submitting it as legislation on an appropriation bill, and with reasonable assurance that the two-thirds vote required to suspend the rule and adopt such an amendment to an appropriation bill will be available.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. McCLELLAN. I yield.

Mr. FERGUSON. The Senator from Arkansas then sees no reason why, if the leadership has not taken up Joint Resolution 108 by the time the last appropriations bill is before us, it could not be proposed as an amendment to the last appropriation bill, as substantive legislation, even though it would thus require a two-thirds vote?

Mr. McCLELLAN. Of course, that could be done. However, as I have said, out of great deference to the leadership, I hope they will bring it up.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SALTONSTALL. Is the Senator from Arkansas clearly of the opinion that this measure is to be presented as an amendment to the last appropriation bill, and cannot be drafted in such a way as of itself to bring about a general reduction in appropriations?

Mr. McCLELLAN. I am not clear about that at the moment. However, assuming that it should be held by the Chair to be legislation on an appropriation bill, I still say that in view of the large number of Senators who have signed the petition, and others whom we know support it or support the joint resolution, there is a rather clear indication that, if necessary, it can be adopted as an amendment to an appropriation bill.

Mr. SALTONSTALL. I simply did not wish the RECORD to stand with the flat statement that it would be necessary to have the joint resolution considered as an amendment to an appropriation bill.

Mr. McCLELLAN. I simply used that as an illustration.

Mr. REED. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. REED. I wish to suggest to the Senator from Arkansas that we take the next step by inviting those like the Senator from Nebraska and the Senator from Michigan, who had some suggestions as to a possible change in the language, to submit them to the Senator from Arkansas this week.

Mr. McCLELLAN. I say to the Senator from Kansas, and to all other Senators who are interested, that any amendments which are offered or filed to the joint resolution will immediately be considered by the Committee on Expenditures in the Executive Departments.

Mr. REED. That is what I wish to have understood, so that we can get the language in such shape that those who are interested will be satisfied.

Mr. McCLELLAN. I further say that the chairman of the committee—and I think I speak for all members of the committee—will welcome all the assistance we can get from any Senator who is interested in the ultimate objective of achieving some economy.

EXTENSION OF AUTHORITY RESPECTING TIN UNDER SECOND DECONTROL ACT

Mr. MAYBANK. Mr. President, if agreeable to the majority leader, I desire at this time to call up a bill which is on the calendar. It is Order 549, House bill 5044.

Mr. LUCAS. I have no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 5044) to continue for a temporary period certain powers, authority, and discretion in respect to tin and tin products conferred upon the President by the Second Decontrol Act of 1947, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SALTONSTALL. Reserving the right to object, do I correctly understand from the Senator that there is a unanimous report on the bill from the Committee on Banking and Currency?

Mr. MAYBANK. That is correct.

Mr. SALTONSTALL. And am I correct in further understanding that the bill extends the present powers under the Second Decontrol Act, relating to tin?

Mr. MAYBANK. It relates to tin only, as to which the authority expires on the 30th of June.

Mr. SALTONSTALL. Is it an extension for 1 year?

Mr. MAYBANK. That is correct.

Mr. SALTONSTALL. So far as the Senator knows, is there objection from any source?

Mr. MAYBANK. No, there is no objection on the part of anyone that I know of.

Mr. LONG. Mr. President, reserving the right to object, will the Senator state what bill this is?

Mr. MAYBANK. It is Calendar 549, the bill (H. R. 5044) to continue for a temporary period certain powers, authority, and discretion in respect to tin and tin products conferred upon the President by the Second Decontrol Act of 1947, and for other purposes.

Mr. AIKEN. Mr. President, not that I want to object, but I should like merely to ask the Senator from South Carolina, Under what authority of law does the Government restrict the exportation of pork products?

Mr. MAYBANK. It does so, if I remember correctly, under export controls authorized by a bill passed in February. Export controls at that time were under the Secretary of Commerce. The Senate and the House removed the controls from the Secretary of Commerce and turned them over to the Secretary of Agriculture. I have some knowledge, I believe, of what the Senator has in mind.

Mr. AIKEN. I am sure the Senator has.

Mr. MAYBANK. The Secretary of Commerce, Mr. Sawyer, told me he had approved every request Secretary Brannan, of the Department of Agriculture, had made of him, and that the only request he had had in connection with pork products related to about 70,000,000 pounds.

Mr. AIKEN. I understand the Secretary of Commerce acted very largely upon recommendations of the Secretary of Agriculture.

Mr. MAYBANK. I may say to the Senator from Vermont that the Secretary of Agriculture is given control over agricultural products. The law was changed in February of this year.

Mr. AIKEN. I was wondering why we should continue a law which permits any Department of the Government to prohibit or restrict the exportation of a product which we are told is likely to be in very large supply, even to the extent of becoming a very burdensome surplus.

Mr. MAYBANK. The last I heard of it was in the ECA hearings in which Mr. Hoffman testified. I think the Senator from North Dakota [Mr. YOUNG] brought it to his attention. In the hearings before the Appropriations Committee I found that the Secretary of Agriculture had only requested some 70,000,000 pounds—I do not remember the exact figure—and the request had been granted. As to whether there have been any more requests, I do not know, but if there have been any more it appears to me, as the Senator from Vermont says, there is certainly no need to control pork exports.

Mr. AIKEN. Does the Senator know whether the Secretary of Agriculture has cut down on the requests before sending his recommendations to the Secretary of Commerce for the granting of licenses?

Mr. MAYBANK. My information did not come through the Department of Agriculture. My knowledge of the situation came through cross questioning by the Senator from North Dakota [Mr. YOUNG] in the Appropriations Committee regarding ECA appropriations. I

cannot answer the Senator's question definitely.

Mr. AIKEN. Can the Senator say how long the authority to restrict pork products will continue under the present law?

Mr. MAYBANK. I imagine the Secretary will be able to restrict them for the 2-year period to which Congress extended the time, or to June 1951. I say very frankly that the Secretary should be asked for his reasons, if he continues the restriction, because I do not know any reason for it. The information merely came out at the ECA hearings. Secretary Sawyer called me on the telephone to say that he had granted export licenses on hog products in any amount requested by the Secretary of Agriculture.

Mr. AIKEN. It certainly seems that our Government should grant licenses for the full amount of foreign requests so long as we are told there are such tremendous surpluses in this country.

Mr. MAYBANK. I agree with the Senator. I just happened to hear the testimony in the hearings before the Senate Committee on Appropriations.

Mr. AIKEN. I understand that. I was trying to get information as to how long any department of the Government would be permitted to restrict any product which is in heavy surplus.

Mr. MAYBANK. Secretary Sawyer told me he had issued licenses and orders for every pound requested.

Mr. AIKEN. I understand that is true. I had personally been blaming the Department of Commerce for restricting the export of lard last fall and last winter. At a hearing one day Mr. Pritchard, of the Oils and Fats Division of the Department of Agriculture, testified and stated that the Department of Agriculture advised the Department of Commerce and that its advice was usually taken.

Mr. MAYBANK. The Secretary of Commerce, under whose jurisdiction the administration of the legislation comes, stated that licenses were issued for every pound requested.

Mr. AIKEN. It is a fact that lard was restricted at a time when there were tremendous accumulations of it in this country. I think the price broke to around 11 cents a pound. I do not want the same thing to happen to other pork products as happened to lard. Once we permit the price to collapse it will bring down the prices of other commodities with it, and it would be very difficult indeed to get them back to a higher level.

Mr. THYE. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. THYE. Does the bill have any reference to import controls on oils?

Mr. MAYBANK. No; I think the distinguished Senator from Illinois [Mr. DOUGLAS] will request that the bill relating to that subject be brought up. It is the last bill on the calendar. Hearings were held on Saturday and have been completed.

Mr. SALTONSTALL. Mr. President, reserving the right to object, let me say that since I asked the Senator from South Carolina whether there was objection I have been told authoritatively that the junior Senator from Pennsylvania [Mr. MARTIN] wishes to be present when this matter is considered and has some suggestion to make concerning it. Therefore, he would like it to go over until tomorrow.

Mr. MAYBANK. There was no request made by the Senator from Pennsylvania to be heard by the committee. The bill was reported unanimously and has been on the calendar for 2 weeks.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. MAYBANK. Certainly.

Mr. SALTONSTALL. Will the Senator withhold his request for a moment until the Senator from Pennsylvania can reach the Senate? He can then make his statement himself.

Mr. MAYBANK. When I said there was no opposition, I meant there was no opposition before the committee. The Senator from Pennsylvania [Mr. MARTIN] did not ask to be heard.

Mr. SALTONSTALL. Mr. President, will the Senator yield further?

Mr. MAYBANK. I yield.

Mr. SALTONSTALL. I have asked the Senator from Pennsylvania to come to the Senate Chamber immediately.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MAYBANK. Certainly.

Mr. LUCAS. Mr. President, there is a deadline in connection with this bill, as the Senator well knows, and it is necessary to move to lay aside the unfinished business in order to have it considered. I was hoping to have the bill considered, because there is a unanimous report on it and the bill has been on the calendar for some time. No Senator has ever made any objection to it, so far as is known by the Senator from Illinois.

Mr. SALTONSTALL. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. I yield.

Mr. SALTONSTALL. If the Senator from South Carolina will withhold his request for approximately 5 minutes——

Mr. MAYBANK. I shall be glad to do so, if the majority leader will so arrange it that I shall not lose the floor. I do not know who will get the floor and possibly speak for an hour.

Mr. THYE. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. THYE. If the Senator will yield for 5 minutes I shall ask unanimous consent to have an article inserted in the Appendix, and in the meantime a telephone call can be made, and in that manner I can help the Senator to hold the floor.

Mr. MAYBANK. Mr. President, I ask unanimous consent that the Senator from Minnesota may present his request.

PROPOSED UNANIMOUS CONSENT AGREEMENT

Mr. LUCAS. Before that is done, I should like to make an announcement for the benefit of Senators who are present and for the benefit of those who may read the RECORD in the morning. I have conferred with the chairman of the Committee on Labor and Education, the Senator from Utah [Mr. THOMAS], and other members of the committee on the Democratic side, as well as with the Senator from Ohio [Mr. TAFT], the ranking Republican member of the committee, and the Senator from Oregon [Mr. MORSE], with respect to obtaining a unanimous-consent agreement to vote on the Taft substitute which is now the pending question before the Senate, on Thursday, at 2 o'clock. So far I have found no objection on the part of individual Senators whom I have approached and with whom I have discussed the question. What I want to do at this time is merely to make the suggestion, with the view, tomorrow, after a quorum call is had, toward presenting the unanimous-consent request. I am merely feeling my way, so to speak, in the hope that we can dispose of the labor bill before we finish on Thursday.

I see the Senator from New York [Mr. IVES] shaking his head.

Mr. IVES. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. IVES. I should like to state that I have in the neighborhood of a dozen amendments which I intend to offer, either to the Thomas bill or to the Taft amendment, or perhaps to both. I am sure we cannot dispose of them in the period of time suggested by the Senator from Illinois.

Mr. LUCAS. There are a good many amendments, and perhaps we cannot dispose of them in that length of time. Some other Senators with whom I conferred had amendments under consideration, but in the present situation they are not disposed to offer them. Of course, if the Senator from New York offers his 12 amendments, it will take some time to dispose of them.

Mr. PEPPER. Mr. President, I was going to make some observations about the unanimous-consent request, but I take it the request was not submitted.

Mr. LUCAS. No; I have not submitted it.

Mr. PEPPER. Personally I was going to express the hope that a vote might be had on Friday, that it might be possible for us to conclude the consideration of the bill on Friday.

Mr. LUCAS. My only reason for suggesting Thursday was because of the previous announcement I had made to many Senators that we were working to the end that we would stop transacting business on Thursday evening and not return until the day following the Fourth of July, which will be Tuesday. That was why I suggested a vote on Thursday at 2 o'clock. This appeared to be agreeable to a number of Senators who are vitally interested in the bill. It was agreeable to the Senator from Utah [Mr. THOMAS], the chairman of the committee, to the Senator from Ohio [Mr. TAFT], and to the Senator from Oregon [Mr. MORSE].

Mr. PEPPER. Mr. President, will the Senator yield further?

Mr. LUCAS. I yield.

Mr. PEPPER. Has the able majority leader come to any contrary conclusion? Does he still expect that the Senate will adjourn on Friday?

Mr. LUCAS. If we do not dispose of the bill on Thursday, we will stop transacting business Thursday evening and return Tuesday and proceed to finish the consideration of the labor bill in the old

Supreme Court room; but I was rather hopeful that we might finish with the bill on Thursday. I thought that, in view of the vote this afternoon on the emergency feature, we might take up the substitute offered by the Senator from Ohio and get it out of the way. That is about all I have to say on that question. I hope that the Senator from New York may confer with other Senators between now and tomorrow, and perhaps we can shorten his amendments so that we may get action on the bill Thursday.

Mr. IVES. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from New York.

Mr. IVES. The Senator from New York does not wish to delay the activities or operations of the Senate, but the Senator from New York would like to point out that we have been 3 weeks considering the labor question, and have covered only one aspect, one title, of the bill. The residue and remainder of the bill is substantially larger in its extent than that which has already been covered, and it seems to me there is a good deal of controversial material and substance in that part of the bill which has not been covered, which the Senator from New York feels also should be given some consideration.

Mr. LUCAS. I appreciate that, and I certainly agree with the Senator from New York that it should be considered, but I hope we will not take three more weeks on it.

Mr. IVES. It would not take three more weeks for that purpose. I hope the Senator from Illinois will not misconstrue my position. The Senator from New York feels that adequate opportunity should be given to all Senators for the consideration of the various questions which still remain before the Senate.

Mr. LUCAS. I have no disposition to press the matter if there is any Senator opposing. After discussing the matter with members of the Committee on Labor and Public Welfare on both sides of the aisle, they seemed rather agreeable to the sort of proceeding I have suggested, and I thought perhaps the rest of the Senators might fall in line.

Mr. MORSE. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield to the Senator from Oregon.

Mr. MORSE. I fully understand the viewpoint of the Senator from New York, because I think it will be found, when the Senator offers his amendments, that as to the particular sections of the bill to which they are addressed many of them are very meritorious amendments.

Mr. LUCAS. I do not doubt that at all, and I shall probably be with the Senator from New York in most of his amendments.

Mr. IVES. The Senator from New York appreciates that.

Mr. MORSE. I wish to say to the Senator from New York that had the Senate this afternoon not adopted what I consider to be such an unfortunate antilabor provision, I would have been interested in cooperating with the Senator from New York in trying to perfect the bill, but my own personal view is that the bill as it now stands is so antilabor that in my judgment the sooner we get rid of it, and take the whole issue to the polls in 1950, where it belongs, the better.

Mr. IVES. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. IVES. The Senator from New York would like to make a statement.

Mr. MAYBANK. Mr. President, I believe I have the floor.

Mr. IVES. The Senator from New York apologizes to the Senator from South Carolina.

Mr. LUCAS. I apologize to the Senator from South Carolina also, because I have been yielding to the Senator from New York.

Mr. IVES. The Senator from New York felt that there was a point which the Senate should consider. The new labor statute on which the Senate is working is not going to be perfect, any more than the Taft-Hartley law was perfect in some respects. If any Senator is under the delusion we are going to enact a perfect statute at this time, he had better think that over twice. I recognize it is going to contain provisions with which I do not agree. I do not like what happened this afternoon. But that does not make me turn against the entire effort to make changes in a statute which demonstrably has not proved to be perfect. In the effort to make these changes I should like to do what I can to make some constructive contribution.

Mr. MORSE. Mr. President, if the Senator will yield for one more comment, I wish to say to the Senator from New York that, under most circumstances, I think the observation he has just made would have some merit in it, but it would have to be based on a premise that we have a piece of legislation which can be made workable. In my judgment, the action taken by the Senate this afternoon is bound to give us a bill so unworkable and so antilabor in its purpose that I think any attempt now to perfect any other section of the bill would really be a waste of time. Therefore I think we ought to let the bill stand as it is and let the voters at the polls determine whether or not the Republicans who voted for it are entitled to support in 1950. I consider the majority of the Republicans in the Senate primarily responsible for the action which was taken this afternoon.

Mr. IVES. Mr. President, will the Senator from South Carolina yield?

Mr. MAYBANK. For a question.

Mr. IVES. For a statement?

Mr. MAYBANK. I yield.

Mr. IVES. The Senator from New York thanks the very generous Senator from South Carolina.

The Senator from New York would merely like to point out that all that has been disposed of so far is one title, title III. Title III does not necessarily in any way, shape, or manner determine the substance of the rest of the bill. There are other things which need to be changed, other provisions in the Taft-Hartley Act which need to be decidedly changed, and I do not know why, because title III may not be the way some of us want it to be, we should not go to work now and try to correct the labor-relations statute which is now on the books by writing a new statute with the imperfections of the present statute eliminated so far as it is possible to do so.

EXTENSION OF AUTHORITY RESPECTING TIN UNDER SECOND DECONTROL ACT

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. MAYBANK. Mr. President, I see that the Senator from Pennsylvania [Mr. MARTIN] has arrived in the Chamber from his office, and I should like to get through with the bill I sought to have passed. Then I shall be glad to yield.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BUTLER. Mr. President, does the request relate to House bill 5044?

Mr. MAYBANK. Yes.

Mr. BUTLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MAYBANK. Mr. President, I desire to state to Senators that the Decontrol Act will expire shortly, and I do not know when we will get an opportunity to get the bill up again. Many connected with the military, and with the Department of Commerce, and others, tell me that the situation is serious. Business firms have written asking that the law with respect to tin be continued. The armed services are now trying to stock-pile materials. Yesterday witnesses testifying before the committee regarding stock-piling of the armed services pleaded with us to assist in having the law extended because of the scarcity of tin. Unless there is some control over tin for military purposes, and for general purposes, I do not know what will happen. No one has appeared before the committee against the bill. There have been one or two letters.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. LUCAS. I move that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 5044) to continue for a temporary period certain powers, authority, and discretion in respect to tin and tin products conferred upon the President by the Second Decontrol Act of 1947, and for other purposes.

Mr. TAFT. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Is such a motion in order?

Mr. LUCAS. I make a motion to take up the bill.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Would not that motion, if adopted, have the effect of setting aside the labor bill altogether?

The PRESIDING OFFICER. If the motion should be agreed to, the effect of it would be to displace the labor bill as the pending business before the Senate.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. Do I understand that if the motion I made temporarily to lay aside the unfinished business and take up for consideration H. R. 5044 should be adopted, it would have the effect of killing the labor bill for the time being?

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that a motion to lay aside the pending business is not in order. The proper procedure would be to ask unanimous consent, but a motion made to bring up another bill, if agreed to, would have the effect of displacing the unfinished business.

Mr. LUCAS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUCAS. If a motion to bring up another bill should be agreed to would it have the effect of displacing the labor bill, and would it then be necessary to move at a later time again to take up the labor bill?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. LUCAS. Mr. President, we have some dead lines it is necessary to meet.

The PRESIDING OFFICER. The Chair states that the bill can be taken up by unanimous consent.

Mr. LUCAS. I understand the bill can be taken up by unanimous consent, but the Senate might as well understand now that we cannot secure unanimous consent in view of the objection made by the Senator from Nebraska [Mr. BUTLER].

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. SALTONSTALL. I respectfully suggest to the Senator from Illinois that I believe if the Senate should take a recess now this matter can be cleared up over the evening.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MAYBANK. The Senator from Massachusetts understands, does he not, that the measure now attempted to be brought up is a House bill?

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. SALTONSTALL. I make the suggestion because I believe we can work out an agreement on this matter. I have no definite authority for stating that it can be worked out, however.

Mr. MAYBANK. I simply called the attention of the Senator to the fact that the bill is a House bill, and it is proposed to substitute it for the Senate bill in order to avoid the necessity for having a conference with the House.

Mr. LUCAS. Mr. President, I should be glad to follow the suggestion made by the able Senator from Massachusetts in order to ascertain whether or not something can be worked out.

Mr. BUTLER. Mr. President, I may say that the Senator from Massachusetts has properly stated the suggestion he made to me. However, I do not want it understood that I will not object tomorrow. I may, and I may not.

Mr. LUCAS. I understand. If the Senator objects tomorrow, it will be necessary to proceed to consider H. R. 5044 regardless of what may happen to the labor bill, because H. R. 5044 is a very important measure. It has been on the calendar for 2 weeks. It was reported unanimously by the Committee on Banking and Currency. Certainly I am not going to permit one objection to hold up a bill of this nature. I am satisfied that the bill will be passed by an overwhelming majority if we get it before the Senate. I hope that my friend, the Senator from Nebraska, will reconsider his objection by tomorrow, and let us pass the bill without displacing the labor bill. But if it becomes necessary, that is what we will do. However, as the Senator from Oregon [Mr. MORSE] said a moment ago, perhaps it does not make much difference what happens now respecting the labor bill in view of the antilabor provisions adopted this afternoon.

PURCHASE OF AUTOMOBILES OR OTHER CONVEYANCES BY CERTAIN DISABLED VETERANS

Mr. PEPPER. Mr. President, I ask unanimous consent to report favorably, without amendment, from the Committee on Labor and Public Welfare, the bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes, and I submit a report (No. 596) thereon.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. PEPPER. Mr. President, I should like to submit to the Senate a unanimous-consent request, after I state the nature of the bill, that it be considered immediately by the Senate. Delaying my request until I can make an explanation, I will say that this is a bill to provide up to $1,600 by the Federal Government to certain classes of veterans for the purchase of automobiles. The law enacted by the Congress in 1944 provided that if a veteran had lost one or both of his feet up to the ankle, or the use of one or both feet, the Government would allow him up to $1,600 for the purchase of an automobile.

Last year the Senate Committee on Labor and Public Welfare reported, and the Senate passed, under the able leadership of the then chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, the Senator from Oregon [Mr. MORSE], an extension of this law to cover the case of the loss of use of or the loss of one or both hands and the loss of sight by the veteran.

All the members of the committee, and in addition thereto the Senator from Washington [Mr. MAGNUSON], recently introduced a bill similar to the one which was reported from the committee last year, and which the Senate passed, but the House did not pass. The new bill made only one amendment to the bill reported and passed by the Senate last year. That amendment is designed to provide that the automobile provided should not be subjected to the levy of creditors, because a case was discovered where creditors levied upon an automobile that was intended to be of personal use to the veteran by the provision of his Government.

Mr. President, the committee has held hearings upon this matter. It has been considered in the subcommittee and in the full committee. In view of the fact that the law expires on the 30th of June and that Representative ROGERS, the able gentlewoman from Massachusetts, member of the Veterans' Committee of the House, appeared before our committee at the hearing and stated that she thought the House would this time pass the bill if the Senate sent it over there. I thought I might with propriety submit it to the Senate for consideration at the present time. So I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The bill will be reported by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2115) to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

Mr. TAFT. Reserving the right, Mr. President, to object, I wish to say I do not see any reason why the bill should not go on the calendar and be placed in the book of bills, so Senators can read it. I agree with the objective of the bill, although I offered an amendment in the committee, but I cannot see the reason for the passing of bills which have not been placed on the calendar so as to give Senators an opportunity to read them.

Mr. PEPPER. The only reason I submitted such a request was the fact that the committee had reported a similar bill last year, and the Senate passed the bill. Except for a minor amendment that bill was in language identical with the present bill. The law expires on the 30th of June.

Mr. TAFT. Mr. President, the fact that the law expires on the 30th of June makes no difference. The bill increases the number of veterans entitled to automobiles. Certainly there is no deadline date that I can see. It seems to me that it should go through the regular procedure and go on the calendar and be called up after the bill is in the books and available to Members of the Senate.

Mr. PEPPER. I would certainly prefer that Senators have an opportunity to examine it, but I thought that in view of the fact that the committee had reported it for the second time, and the Senate had previously passed the bill, we might expedite its consideration.

Mr. TAFT. That was a different Senate. There are many Senators who were not Members of the Senate at that time, and who have not seen the bill. They do not know what is being done. I believe that in the interest of orderly procedure bills coming from committees should go to the calendar and be placed

in the books where Senators can examine them. I object.

The PRESIDING OFFICER. Objection is heard.

THE BRITAIN-ARGENTINA TRADE AGREEMENT

Mr. THYE. Mr. President, in reading the Washington Star last evening I read of the compact between Great Britain and Argentina. I also read of the amount of meat, cereals, and so forth which Great Britain would obtain from Argentina.

In the same day's mail I received a clipping from the Minneapolis Star-Tribune of Sunday, June 26, 1949. In that newspaper there was an editorial written by Mr. John Cowles, president of the Minneapolis Star-Tribune. In reading that editorial by Mr. John Cowles, president of that great northwestern newspaper, I read the items of actual assistance which the United States had given Great Britain, not only in the form of lend-lease, but other assistance as well. Since the close of the war Great Britain has received from the United States, in American loans, $3,750,000,000. The International Monetary Fund has advanced $300,000,000 to Great Britain. Under the Marshall plan Great Britain has received, during the past 12 months, $1,263,000,000 from the United States. The anticipated amount for the coming year will be another $1,000,000,000.

In view of this tremendous financial assistance which the United States has given Great Britain in the past year and the anticipated amount for the coming year, plus what she had received in former years, since the close of the war, in my judgment England showed an absolute lack of consideration for all the United States had done in assisting her to meet her crisis in postwar years, and ingratitude to the United States.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the article which was published in the Washington Star of last evening, and also the editorial which appeared in the Minneapolis Star-Tribune of June 26.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Star of June 27, 1949]

BRITAIN AND ARGENTINA SIGN TRADE AGREEMENT OVER UNITED STATES OBJECTIONS—AMERICAN BUSINESSMEN SEE LOSS OF IMPORTANT SOUTH AMERICAN MARKET

BUENOS AIRES, June 27.—Britain and Argentina signed a 5-year trade agreement today, thus ignoring United States objections to the pact.

The signing was done in the presence of President Juan D. Peron, his wife, and a group of high officials in the White Salon of Government House.

Sir John Balfour, Britain's Ambassador to Argentina, and four ministers who form the Argentine National Economic Council, signed the Spanish and English copies. The ceremony, broadcast over the Argentine network, required 2 minutes.

UNITED STATES TRADE LOSS FEARED

American businessmen believe the two-way pact will cut off one of their important South American markets. The United States claims the pact violates the spirit of free competitive international trade. American officials fear it might keep United States oil and farm machinery off the Argentine market.

Under the agreement Britain will supply the bulk of Argentina's imports. These would range from much needed oil and coal to automobiles and whisky. In return Britain would get from Argentina an estimated 300,000 tons of meat plus cereals and other items.

Three-way United States-British-Argentine trade has been practically impossible since 1947, when the British blocked pound convertibility. Blocking the pound meant Argentina could not exchange pounds she earned by selling to Britain for dollars to purchase from the United States.

Britain has maintained that the pact with Argentina is vital to British recovery. Washington dispatches have described the issue as the most serious yet in American relations with any European country under the Marshall plan, but top United States officials said there was no question of cutting off Marshall plan aid to Britain.

The treaty was drafted during 4 months of negotiations. The United States' objections were raised near the end of the talks, but apparently had no effect on the negotiators.

Experts in both Buenos Aires and London have said they consider bilateral trade undesirable but regard the present treaty as necessary because both Argentina and Britain are short of dollars with which to buy from the United States.

Sir John revealed for the first time that the treaty provides for the formation of a mixed commission to settle any differences which may arise during the 5-year term.

MIXED COMMISSION PROVIDED

The British diplomat also emphasized that the treaty was not exclusive and that both Britain and Argentina are free to buy from the United States when dollars are available.

President Peron also avoided direct mention of the United States by name but his reference to outside interference was unmistakable. He said:

"We are not against anything or anybody. But political factors, injected by outside criticism, did not contribute to the happiness of the peoples involved. It is not possible to hide evil intentions and evil designs behind criticism."

The Argentine president said the treaty was negotiated openly in an atmosphere of understanding and tolerance.

[From the Minneapolis Tribune of June 26, 1949]

WHERE WILL NEXT CENTURY CARRY UNITED STATES?—WELFARE STATE WILL LEAD TO COMPULSION, END OF FREEDOM

(EDITOR'S NOTE.—The following is from a speech by John Cowles, president of the Minneapolis Star Tribune, at a banquet celebrating the one-hundredth birthday of the Des Moines Register and Tribune, June 21, 1949.)

Whether the next 100 years will be marked by as great advances for America as the past century is the subject I should like to discuss tonight. The easy, Pollyanna attitude is to say, "Yes, of course." I believe the question deserves fuller consideration.

The concept of the freedom of the individual, of the importance and human dignity of the self-reliant individual, was the basic philosophy upon which America grew great.

For a number of years we have been increasingly lessening our emphasis on, perhaps losing our faith in, both individualism and freedom. Freedom is the most important thing in the world. If we lose it we will lose everything.

If I were asked what is the greatest single menace confronting us today, I would not say Russia. I would say soft socialism, the idea of the welfare state, the steady increase in the Federal Government's power over the lives and purses of our citizens.

Although I do not minimize the danger to the world of Russia, I think we are more likely to lose our freedom as a result of our own internal domestic actions than as a result of foreign aggression.

I was interested to learn recently that General Eisenhower feels the same way. As president of Columbia University, Eisenhower, in a letter declaring his opposition to Federal aid for education, made this statement:

"I firmly believe that the army of persons who urge greater and greater centralization of authority and greater and greater dependence upon the Federal Treasury are really more dangerous to our form of government than any external threat that can possibly be arrayed against us."

In my opinion, if President Truman's current program were adopted by Congress, the United States would be converted from a republic to a socialist state within a few years. Socialism is the great illusion of this generation and the belief that socialism could give us a freer and more abundant life is fantastically false.

President Truman is, I believe, a well intentioned man, a man of good will. I think that he simply does not understand the implications and the consequences of the proposed policies which underlings bring to him for his approval. He recognizes that they have political appeal and so he endorses them.

Socialism means, of course, a planned economy and a centralization of power, and they in turn mean socialism. The United States has grown strong and great by following precisely the opposite philosophy. No large nation anywhere has yet demonstrated that a planned economy can be successfully operated without compulsory labor, destruction of representative government, and the suppression of civil liberties.

There is less difference between socialism and communism than many people assume. While the Government of Great Britain is anti-Communist, it is philosophically Marxist, and will tend to become, I believe, increasingly a totalitarian state. There is no evidence from the British experiment to date to indicate that socialism will prove successful there, but the areas of personal freedom are already diminishing. Yet many people in the United States want us to adopt the British pattern along many different lines without waiting to see whether the socialist experiment fails or succeeds in Britain.

One of the great tragedies of this decade is the fact that, because of the Russian Communist menace, it has been necessary for the United States to give billions of dollars to the Socialist governments of western Europe to help support them as a bulwark against the western spread of communism.

No one should assume that I am unsympathetic either with the British as a people or with the necessity of the Marshall plan and European aid. I had the privilege of being in England at one of the darkest times in the war, during the blitz, after France had fallen and before Russia or the United States had declared war on Germany. No one who was in England during that period and saw the magnificent spirit and courage of her people can ever have any feeling other than that of deepest admiration for them. But in England today, it seems evident to me that two cancers are spreading through the whole body.

First is the lack of incentive for production, with progressively increasing regimentation and growing bureaucratic controls that themselves retard production.

Second is the apparently growing acceptance of the view that individual liberty and freedom of choice are secondary and must unquestioningly give way in acquiescence to what the people in control say is in the interest of the state.

Anyone who thinks that things are going well in England is profundly mistaken. On the contrary, the experiment in England is demonstrating that socialism is not a workable system without compulsion. Despite the fact that the United States has given England billions of dollars since the end of the war, her financial position is becoming steadily worse.

Wholly apart from lend-lease, which continued long after the conclusion of the fighting, we have given England an American loan of $3,750,000,000, the internaional monetary fund has given her $300,000,000, and Canada has given her a large loan.

Under the Marshall plan, England in the last 12 months has received about $1,263,000,000. The population of the United Kingdom is about 50,000,000. Assuming 4 to a family, that means there are 12,500,000 families in the United Kingdom. So our ECA aid alone during the past year has amounted to $100 a family.

Despite the fact that England is scheduled to receive about $1,000,000,000 under the Marshall plan this coming year, I fear that she is headed within relatively few months into another major crisis.

Now that throughout the world we have shifted from a sellers' to a buyers' market, English exports are beginning to show serious declines.

Most financial experts believe that, despite Stafford Cripps' recent statement to the contrary, before many months England will be forced to devalue the pound. Clearly that will be a wise development, but even an intelligent optimist can't believe that devaluation alone will conceivably solve England's financial plight.

The workers in England, probably because they fear unemployment, are resisting new techniques and the introduction of modern machinery which would increase production. Many of the unions are demanding more pay. Strikes and slow-downs are showing up in nationalized industry. The workers are demanding higher wages but lower prices, lower taxes, and shorter hours.

If Britain devalues the pound, that will tend to raise the cost of the food and raw materials that the British have to import from abroad, and the British will have fewer dollars as their exports decline.

Last year, for example, British automobile makers sold 19,000 cars in the United States. Now they are only selling a trickle here. Security prices in England have been declining, and there are many indications that, unless the United States wants greatly to increase its gifts to England, Britain is headed for an extremely tough time, with a standard of living substantially lower than that which exists in the United Kingdom today.

Before the United States goes farther down the road that England has taken, it would seem to me only the part of prudence to await the consequences of present British Socialist policies and then determine whether we want to imitate them.

Here in the United States the administration is now urging that we adopt the so-called Brannan plan which is similar in principle to the food subsidies paid in England. The British Government lets people buy food at much less than its cost, and the national treasury pays the difference out of taxes. Under the Brannan plan, farm products would be sold to city people at lower prices and the Federal Treasury would pay increased subsidies to farmers so that farm income remained high.

Now no one whose business depends upon the prosperity of the agricultural States, as do our newspapers, could desire anything other than high farm income and high farm purchasing power. But before our Nation adopts a policy of selling food cheap to consumers with the Federal Government directly subsidizing the farmers, both the consumers and the farmers should scrutinize the plan with the greatest care and consider its ultimate implications and consequences.

Consumers would be indirectly paying the subsidy through higher income taxes. Moreover, if the farmers expect permanently to receive guaranteed income, they should recognize the certainty that it will mean complete production controls and the utter surrender on their part of any freedom of choice, or freedom to take individual risks in the hope of extra rewards.

In the past year, average prices paid to farmers for their crops have declined more than have retail food prices. That is largely because marketing and processing and transportation costs take nearly half of every dollar that consumers spend for food. Will the next step be the proposal that the Government should also subsidize the food manufacturers and processors and the railroads so that food can be sold to the consumer at still lower prices?

Let's consider another example. Clearly, it is in the national interest to have high employment in the automobile industry, and it would be a fine thing if every American family had not only one but two cars. Let us assume that not enough people will voluntarily pay $1,500 or $2,000 for a car to keep all of the automobile factories going full tilt indefinitely, so that some of them are forced to reduce production and lay off some of their workers. Should the Federal Government then say that the price of automobiles should be reduced to $800 or $1,000 apiece—with the Federal Treasury paying the difference to the automobile manufacturers?

And where is the Federal Government to get the additional billions it will need for all of the new spending programs that are being urged?

No matter how theoretically desirable certain social-welfare legislation may be, we simply must consider the extent to which the national economy can stand additional taxes.

Moreover, we are too prone to accept, uncritically, the view that all the proposed social welfare legislation is theoretically desirable.

Every enlightened American wants to improve the quality of our schools and colleges. Better public education is one of the most basic needs of the Nation. The teachers generally deserve much higher pay. Yet, even if the Federal Treasury had the money, which it does not, do we want Federal aid for education, which is almost certain to result in Federal control?

Every enlightened American wants to see the quality of our housing improved. There are many things that States or cities can and should do that will make building costs lower and will stimulate more individuals on their own initiative to build more homes, for themselves, or for sale, or for rent.

But even if the Federal Treasury had the money, which it does not, why should we assume that the Federal Government now has an obligation to provide decent homes for every American family?

Even if we do believe that these proposals and dozens of other social welfare projects like them are theoretically desirable, and even if we do believe that they are a proper function of the Federal Government, we must still make the preservation of the financial stability of the United States, upon which not only our freedom but the peace of the world rests, our first concern.

If the United States should go into a financial crisis through excessive Government spending, which it might, we would completely lose our place as the bulwark of resistance against the spread of communism throughout the world. That would mean that all the billions that we have spent for the Marshall plan would have proved an utter and complete waste of our substance.

I, for one am convinced that if Congress were to raise the tax rates with the idea of collecting the $4,000,000,000 in additional income taxes which President Truman is urging, those higher tax rates would produce less revenue for the Government than it is now taking in. In addition, in all probability, it would plunge the United States into a major depression. Fortunately, Congress is apparently going to ignore Mr. Truman's recommendation as to a tax increase.

While deficit financing—spending more than is collected in taxes—may be necessary or even desirable in a critical period, such as during a war or depression, the budget ought to be at least in balance during periods of relative prosperity. If the people get the idea that the Government can spend limitless amounts, and that it is unnecessary to balance the budget even in comparatively good times, we will head down a road that can only lead to national disaster.

I had the privilege of serving as a member of the Hoover Commission task force on the national defense set-up. From my experience on that committee, I am convinced that at least $1,000,000,000 and perhaps $2,000,000,000 could be saved with no loss and perhaps with a gain to our national defense. I have read other Hoover Commission reports, and I am satisfied that without harm $2,000,000,000 to $3,000,000,000 additional could be saved in other branches of the Federal Government. Until those savings are made and until the burden of foreign aid is substantially reduced, the United States simply cannot take on additional governmental spending without endangering our whole national economy.

From what I have said, you may conclude that I am extremely pessimistic about the future. To the contrary, I am optimistic provided the American people make wise decisions in the next few years. I believe that it is possible for us to live in peace and freedom and at the same time to increase our productivity to a point where we can at least double the average standard of living in the United States in the next 20 or 30 years, and perhaps much sooner. But we can only do this if we keep the incentive system based on individual initiative, and do not embrace the idea of the welfare state.

The American free enterprise system, the incentive system, the profit and loss system—call it what you will—cannot continue to perform its economic function and raise the country's standard of living if tax rates are excessive. The present trend toward Government control is already in some areas beginning to strangle individual initiative. Any increased tax burden would largely destroy the incentive to start new or expand existing business ventures, and our whole standard of living would progressively decline under the weight of Government bureaucracy, much of it wasteful and nonproductive.

Dr. Robert A. Millikan of the California Institute of Technology, who is certainly one of the most distinguished scholars and greatest scientists of our age, not only a Nobel prize winner but the recipient of many other national and international awards, issued a statement a couple of weeks ago opposing Federal aid to education in which he said that local self-government is not only a priceless American heritage, but probably the key to the continued maintenance of our freedom.

Here are a few sentences from Dr. Millikan's statement:

"It (local self-government) is the great safeguard against the malignant disease politely called patronage, better called political corruption, which is the chief device through which the party in power in Washington can, and to no small extent already does, seek to indoctrinate the public in the interests of the maintenance of its own power.

"Local cancers in humans or in the States can be eliminated before they have spread throughout the whole body, but when the

whole system has become infected the patient dies, whether that patient be a man or a great Federal Republic.

"Listen to the exact words of the historian and political philosopher Montesquieu (1747) whose writings were carefully studied and were also very influential with our founding fathers: 'If a republic is small, it is destroyed by a foreign power; if it is large, it destroys itself by an inner vice.'"

Those who are attracted by the alluring promises of the welfare state assume that a planned economy would mean a higher standard of living. I am convinced that the exact opposite would be the result, and that in addition to a lower standard of living for almost everyone, what is far more important is that we lose our freedom as well.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. AIKEN. Mr. President, there seems to be a good deal of pessimism floating around the Senate Chamber at this time regarding the ability of this Congress to write any more constructive labor legislation than we now have upon the statute books. There seems to be a tendency on the part of many Senators toward a desire to recommit the labor bill and forget about it for the remainder of the session.

I hope that the pessimism which has been exhibited is unwarranted. I am not happy over the results of this afternoon's votes in the Senate, because I do not like the Taft amendment to the labor bill; but I do not agree with those who say that it has destroyed all possibility of writing any good labor legislation at this session. I do not agree that it is worse than what we now have upon the statute books. After we had failed three times to amend it so as to make it better, as Members of the Senate we were then faced with the choice of either voting for the amendment to the labor bill which was offered by the Senator from Ohio [Mr. TAFT], the Senator from New Jersey [Mr. SMITH], and the Senator from Missouri [Mr. DONNELL], or else assuming, as the Thomas bill assumes, that the President has inherent powers to deal with strikes affecting the national security and welfare.

I suppose that labor will be disappointed with the outcome of this afternoon's voting. It appears that labor fears that if the President has the power to enjoin as well as to seize, he will use the power of injunction against labor. I do not know whether or not labor's fears are justified; but after all, we must remember that practically every labor leader in the country supported the President in the last campaign. Apparently labor leaders do not fear the power of the President to seize, but they fear that he will use the power of injunction against them. How much more should they fear the inherent powers implied in the Thomas bill to use not only the power of seizure and the power of injunction, but any other power within the grasp of the President to use—and I assume that means the use of the bayonet if necessary.

In my opinion we should have had little difficulty in making up our minds as to whether to choose the amendment which was chosen or to accept the inherent powers which are implied in the Thomas bill. As I say, I do not like the outcome of today's voting. I think the amendment offered by the Senator from Illinois [Mr. DOUGLAS] and myself was by far the best manner of spelling out the course which the President should follow in the event of strikes affecting the national security and national welfare. However, I believe that we should continue to try to enact a bill which will be better than the law which is now on the books. I do not think we can justify backing down in that respect, even though we do not get a good bill. If it is better than what we now have, we should go forward and try to enact such legislation.

I agree that the situation does not look too encouraging, because after legislation has been passed by this House it must go to the other House. However, I do not think we are warranted in giving up and saying that it cannot be done, and that we had better let it go and use it in the next political campaign, and the next, and the next. The trouble with labor legislation today is that it has been in too many political campaigns. I fear that there are those who, thinking in terms of labor legislation, are unable to distinguish between the legislation itself and the votes which might be affected by whatever action the Congress might take.

So I hope we shall continue to try to improve this legislation to the very best of our ability. If we do not get what we want—and I am sure that no one is going to get exactly what he wants—we should nevertheless go ahead and do the very best we can.

Mr. MORSE. Mr. President, I did not intend to speak further today, but I cannot let today's RECORD close without answering the Senator from Vermont [Mr. AIKEN], because I disagree with so many premises which he has just enunciated that I want the RECORD perfectly clear as to where I stand on this issue of labor legislation.

I agree with one thing which the Senator from Vermont said, and that is that the bill ought not to be recommitted. I think we should go through as rapidly as we can with the disposition of the bill, so far as the Senate is concerned, and let the House take such action as it sees fit. The bill will then go to the President. On the basis of the action already taken by the Senate, I think there is only one course of action which the President could possibly take consistent with his attitude on the Taft-Hartley bill, and that is to veto the bill and send it back to the Senate, where once again men may stand up and be counted as to whether they will sustain or override the veto.

So far as I am concerned, on the basis of the action already taken by the Senate, I would vote to sustain a veto.

Mr. President, it seems to me that on the basis of the argument of the Senator from Vermont, we are right back to where we were in the closing days of the debate in 1947 on the Taft-Hartley bill. In my judgment the same fallacy is creeping into the argument again, namely, that, after all, we cannot have a perfect bill, and therefore we had better take the best we can get. That calls for an evaluation as to whether what we are offered is worth having on the statute books.

I wish to say that what has been adopted this afternoon in the form of labor legislation is so antilabor in its effect that, so far as I am concerned, I cannot support a bill which places in the hands of the Government the injunctive process as it is set forth in the Taft amendment which was adopted this afternoon. The Taft amendment places the Government on the employer's side of the table, and it beats labor over the head with the injunctive process. I wish to say that I think the issue was clearly drawn this afternoon between those who believe labor should have a fair deal in America and those who believe Congress should pass antilabor legislation.

Regardless of whether the Senator from Vermont likes it or not, the fact is that this afternoon the Senate made labor legislation a political issue in 1950. I am perfectly willing that the American voters pass judgment on whether we have followed a course of action, this afternoon, which conforms to the public will in the United States.

Mr. President, let me say something else in regard to the action taken this afternoon. I think the roll call taken this afternoon makes perfectly clear to American labor and to the independent voters in this country the issue of whether they want to go back to the labor conflict which existed back in the 1890's. Of course, Mr. President, I am a little surprised that we would find creeping into public discussions these days the same antilabor prejudice that permeated public opinion at the time of the Pullman strike. Let us not forget that at the time of the Pullman strike, an attempt was made to make the issue Eugene Debs. If we read the literature of those days, we find that the discussion was that the Socialists under Debs were seeking to take over the country.

As I said earlier today, we now have a great newspaper in the city of Washington taking the position that so far as the injunction is concerned in respect to the Hawaiian strike, the issue is new union leadership. Hence the Washington Post wants an injunction issued by the Federal Government to break the Hawaiian strike. Mr. President, that position corresponds exactly with the position taken on Eugene Debs, back at the time of the Pullman strike. An injunction was issued, the strike was broken, and Debs was made a martyr. He was given an influence in the American labor movement that his philosophy did not deserve. However, millions of Americans came to recognize that the injunction used against him was not fair or right.

As one who has no toleration for the Socialist philosophy and has no toleration for the leftist philosophy of Harry Bridges, I wish to raise my voice, however, in protest against this false issue that has crept into the discussions re-

garding labor legislation. When the Senate this afternoon voted for the use of the injunction—which is what it did—in regard to labor disputes, it made perfectly clear to free workers in the United States just where a majority of the Republicans stand on the labor issue. I wish to say that the Senator from Vermont cannot rationalize out of the position the Senate has taken this afternoon. I wish to say there were other choices beside the choice the Senator from Ohio gave him. We should have voted down the Taft proposal; and then, with the Taft proposal defeated, we should have decided what course of action we wished to follow in regard to emergency disputes. I wish to say that any attempt to rationalize a vote for the Taft amendment overlooks the fact that there would have been plenty of opportunity, after the defeat of the Taft amendment, to adopt another course of action.

The Senator from Vermont reverts to the Douglas-Aiken proposal. He is welcome to support that unsound proposal if he wishes to; but I wish to say that, for the reasons I have already stated in the RECORD, the Douglas-Aiken proposal did not meet the issue in regard to the handling of emergency disputes on the basis of their merits. I repeat, Mr. President, that in the case of emergency disputes there must be a decision on the merits in controversies as to wages, hours, and conditions of employment. The Douglas-Aiken amendment was one-sided and grossly unfair to employers.

The last point I wish to make is that in my judgment the Taft forces in the Senate have the necessary votes to pass the Taft substitute. I think that is perfectly clear. I think the die has been cast, the issue has been drawn, and the alinement of the forces and their respective strengths have been made perfectly clear.

That is why I say to the Senator from New York [Mr. IVES] that although I think there are meritorious features in some of his amendments and although there is no question that when he brings them to a vote, he will find me voting with him on some of them, yet I think the Senator from New York might as well face the fact that he will not get very many, if any, of his amendments adopted, because I think we decided the issue of labor legislation this afternoon when we adopted the Taft amendment.

Therefore, so far as I am concerned, I am perfectly willing to say that I think any chance of getting a fair piece of labor legislation out of this Congress now has become most remote.

The Senator from Vermont [Mr. AIKEN], if I judge him correctly, expresses regret that the issue has become a political issue. But, Mr. President, no Senator's regret is going to change that political reality. The roll call which was taken this afternoon, I wish to say, is the roll call about which we shall hear much during the 1950 and 1952 campaigns. I greatly regret that my party made the great mistake it made in 1947 when it voted for the Taft-Hartley bill. In doing so at that time, many of the Republicans who voted for it advanced the same rationalization we have heard again this afternoon, namely, it was the best legislation that could be obtained. I wish to say in rebuttal of that fallacious thinking that a time does come when it is necessary to decide whether a proposed piece of legislation has in it a principle so bad from the standpoint of good government that it is not possible to vote for it on the basis of any argument of expediency, any argument that it is the best that can be obtained. I refuse to sacrifice sound principle for political expediency.

That is why I made a statement on the floor of the Senate the other day against political expediency after certain labor leaders had come to me, at my private office, and had asked me to vote for the Douglas-Aiken amendment, not because they wanted it, but because they were afraid they would get something worse. At that time I said to them, "You should make up your minds whether you are going to stand for what you think is right or whether you are going to stand for a sacrifice of principle through a substitution of political expediency. The proposal you have made to me here in my office, today, makes it necessary for me to go on the floor of the Senate and repudiate the very principle you have asked me, in private, to adopt when I cast my vote." Mr. President, I did make that statement on the floor of the Senate, and the RECORD speaks for itself. I am proud of my vote against the Douglas-Aiken amendment. It is not a fair and just solution to the problem and labor knows it.

I shall be no party to voting for a piece of labor legislation which has in it the antilabor features adopted by the Senate this afternoon. If other sections of the bill are perfected through the offering of good amendments I will vote for such amendments to other sections of the bill. But when we come to the final vote, I will vote against the bill, because I will be no party to voting for a bill which has within it the uncalled for antilabor club that was voted into the bill this afternoon by a majority of the Members of the Senate in the form of the Taft amendment. Their votes on the roll call will have to speak for themselves.

So far as I am concerned, I wish to say that I would rather not return to the Senate, after the election in 1950, than to have voted this afternoon for a proposal which, in my judgment, during the next few years will stir up in America a class conflict that will play directly into the hands of the Communist and other radical forces in America. The leftists will seize upon the action the Senate took this afternoon as an opportunity for them to spread their vicious propaganda. They will point out that the Senate again placed the Government on the employer's side of the table.

Mr. President, in my judgment the amendment the Senate adopted this afternoon adds fuel to the fires of class warfare in America. The amendment is so bad in basic principle that no rationalization in the name of expediency will ever cause me to vote for a final bill containing the Taft amendment adopted by the Senate this afternoon.

EXTENSION OF IMPORT CONTROLS ON FATS AND OILS

Mr. DOUGLAS. Mr. President, I ask unanimous consent to call up House bill 5240, which is No. 591 on the calendar.

The PRESIDING OFFICER (Mr. LONG in the chair). The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 5240) to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils—including butter—and rice and rice products.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOUGLAS. Mr. President, the facts in the case are approximately these: During the war, in order to stimulate the production of flaxseed, a high price was fixed for it, which last year was approximately $6 a bushel. This brought forth a large output. During the past year, it has been impossible for the Government to dispose of all the flaxseed and linseed oil which it has bought to maintain the price. It now has on hand approximately 20,000,000 bushels of flaxseed and the equivalent in linseed oil of 17,000,000 more bushels. The Government has reduced the price of flaxseed from $6 a bushel to $3.99. The price at which it acquired linseed oil would be the equivalent of 27½ cents a pound. The Department of Agriculture now claims that the Argentine is ready to lay down linseed oil in New York at 10 cents a pound, and that if this is done the Government will then be compelled to buy an additional amount of flaxseed to maintain the price of $3.99; so that in effect there will be a stream of imports, and a larger and larger fraction therefore of the domestic crop which the Department of Agriculture will have to purchase in order to maintain the price, which is fixed under another act. It therefore asks for the continuation of import controls for another year.

Before I close I should like to make this comment: I think the Department of Agriculture has been most negligent in the delay which occurred in submitting this matter to the Senate. The Secretary of Agriculture did not inform the House of Representatives until the 20th of June, a week ago today, that a request would be made for the extension of import controls. It was not until the 23d that the bill was introduced by the Senator from Iowa [Mr. GILLETTE]. We held hearings immediately, on June 25, last Saturday, but it was impossible to notify all interested groups. The meeting of the subcommittee was held yesterday, and, notwithstanding the fact that there was one dissenting vote, it was decided to report the bill. We obtained the approval of the other members of the committee, with the exception of the one dissenting member. We are acting therefore with expedition. But I think the Department of Agriculture deserves to be censured for the delay which occurred. We have been placed in the embarrassing position of

being compelled to legislate upon inadequate notice. We are asking that the Department in the future give us a quarterly report on the fats and oils situation, so that we shall not be left next year facing a similar question at the last minute. Reluctantly therefore I ask for an extension of this legislation for 1 year.

Mr. SALTONSTALL. Mr. President, reserving the right to object, I would say to my colleague from Illinois that I must object, because I have been informed, as acting minority leader, that there may be some discussion on this subject. Furthermore, since no notice has been given, it would seem to be appropriate to ask for a quorum call. I hope the Senator will not insist upon the present consideration of the bill.

Mr. DOUGLAS. No; the objection is quite a proper one, and I think we should go into it in more detail. I merely wanted to act with expedition on our side, to compensate in some degree for the failure of the Department to give us adequate notice.

The PRESIDING OFFICER. Objection is heard.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4754) to simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

H. R. 3198. An act to amend the act of June 18, 1929; and

H. J. Res. 235. Joint resolution to continue the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes.

EXECUTIVE SESSION

Mr. HOLLAND. Mr. President. I move that the Senate proceed to the consideration of executive business, for the consideration only of the routine appointments on the calendar in the United States Public Health Service, which are listed in considerable number, and the appointments of United States marshals.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LONG in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Mrs. Perle Mesta, of Rhode Island, to be Envoy Extraordinary and Minister Plenipotentiary to Luxemburg.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar.

UNITED STATES PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. HOLLAND. I ask that the nominations in the United States Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the United States Public Health Service are confirmed en bloc.

UNITED STATES MARSHALS

The Chief Clerk read the nomination of Benjamin J. McKinney to be United States marshal for the district of Arizona.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Clifton C. Carter to be United States marshal for the southern district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HOLLAND. I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

RECESS

Mr. HOLLAND. As in legislative session, unless there is further business to be transacted, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, June 29, 1949, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received June 28 (legislative day of June 2), 1949:

DEPARTMENT OF THE NAVY

Rear Adm. Herbert G. Hopwood, United States Navy, to be Director of Budget and Reports in the Department of the Navy, with the rank of rear admiral, for a term of 3 years.

IN THE AIR FORCE

The following-named distinguished aviation cadets, who are scheduled to complete their aviation-cadet training on July 1, 1949, for appointment in the United States Air Force in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

Robert E. Ainslie
James H. Amos
Charles F. Anderson
Thomas J. Carpenter
Don L. Casselman
Thomas W. Chambers
Edmund G. Chartier
Talmage W. Cobb
Arthur B. Crawford
Raymond C. Dodson
Joseph J. Drach
William B. Driver
Harold P. Dye
James D. Edgington
Theodore E. Erich
Thomas J. Fiden
Richard W. Hagauer
William R. Hale
David G. Harston
Edward Hilding
Charles R. Knoche
Walter B. Lull
Robert W. Marden
Donald L. Nangle
Robert F. O'Brien
Joe J. Rhiley
Harold P. Saabye
Elijah W. Shacklette, Jr.
Eugene A. Sorensen
George A. Sylvester
Richard L. Watson

The following-named distinguished military students of the Reserve Officers' Training Corps for appointment in the United States Air Force in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

John F. Brady
John C. Gall
Irwin P. Graham

IN THE NAVY

Robert J. Anderson (Naval ROTC) to be an ensign in the Navy from the 3d day of June 1949.

Varne M. Kimmick (Naval ROTC) to be an ensign in the Civil Engineer Corps of the Navy from the 3d day of June 1949.

The following-named (civilian college graduates) to be ensigns in the Navy from the 3d day of June 1949:

Robert N. Johnson
Edwin B. Nelson

The following-named (civilian college graduates) to be lieutenants (junior grade) in the Medical Corps of the Navy:

John P. Allan
Frank F. Allen
Marvin S. Allen
Paul M. Arnesen
Frank H. Austin, Jr.
Robert R. Austin
David C. Beer
Merrill A. Bender
Walter J. Berger, Jr.
Leonard B. Berman
Ernest A. Blakey
Ellsworth R. Browneller
William H. Brownlee, Jr.
Louis F. Burkley III
Charles R. Campbell
John McR. Christensen
Robert H. Clarke
Thomas B. Delaney
John J. Dempsey
Harry H. Dinsmore
John J. Downey
Robert F. Dykhuizen
Joseph H. Early, Jr.
Carl L. Ebnother
George F. Elsasser, Jr.
Thomas S. Ely
Warren C. Evans
William A. Fisher
John J. Flahive
James J. Foster
Anthony R. Gennaro
Guido R. Gianfranceschi
Edwin S. Gomsi
Anthony J. Guida
Rudolph H. Hand
Paul Hart
Jerome L. Heard
Charles M. Hendricks, Jr.
Larry J. Hines
Philip R. James
Samuel W. Johnson, Jr.
James M. Jones, Jr.
James S. Ketcham
George B. Kimbrough
Chester LeR. Klein
Everett R. Lerwick
Francis J. Lineham, Jr.
Wolfram G. Locher
Lindsey F. Lovett
Cunningham R. MacCordy
Ernest G. McKay
John R. McLaren
Deane E. McLeod
Vernon J. Merkle
George D. Mogil
Arthur R. Moler
Donald R. Mundie
Robert R. Nardone
Robert F. Neal
Delmer J. Pascoe
Joseph W. Peabody, Jr.
Donald J. Perry
James L. Pollock, Jr.
Jarvis H. Post
Harvey O. Randel
William R. Raulston
Agile H. Redmon, Jr.
Don C. Rudeen
Richard B. Sarver
Lewis Schachne
John R. Shanahan
Thomas W. D. Smith
William A. Snyder
Henry A. Sparks
James A. Sylvester
Edward A. Thompson
Charles V. Treat
William C. Trier
Chester M. Trossman
Charles M. VanDuyne
Paul H. Visscher
Charles C. Wannamaker
Raymond H. Watten
Martin G. Webb, Jr.

Elmer A. Weden, Jr. Francis W. Westneat
Maurice B. Wehr Stanley E. Willis II
Charles W. Werner

The following-named officers to the grades indicated in the Medical Corps of the Navy:

CAPTAIN

Raymond J. Mansfield

LIEUTENANT

Emmett P. Bryant

LIEUTENANTS (JUNIOR GRADE)

Edward J. Carry
Philip O. Geib

The following-named officers to the grades indicated in the Dental Corps of the Navy:

LIEUTENANT COMMANDERS

Byrnes E. Missman
Stephen A. Grady

LIEUTENANTS

Frank L. Davis Joseph S. Hurka
Eymard LeR. Doyle Arthur H. Pearson
Walter G. Hillis George A. Pfaffmann

The following-named officers to the grade indicated in the Medical Service Corps of the Navy:

LIEUTENANTS

Kenneth E. Bechtloff
Stanley W. Handford

The following-named officers to the grade indicated in the Nurse Corps of the Navy:

LIEUTENANTS (JUNIOR GRADE)

Muriel R. Cavey
Rose M. Martinsek

The following-named officers to the grade of lieutenant commander in the line of the Navy, limited duty only, in lieu of lieutenant in the line of the Navy, limited duty only, as previously nominated and confirmed:

Garland Casey Mathis S. Johnson
Harold J. Gilpin Carl H. Wehr

The following-named officers to the grade of lieutenant in the line of the Navy, limited duty only, in lieu of lieutenant (junior grade) in the line of the Navy, limited duty only, as previously nominated and confirmed:

Fred W. Berry John R. Hatcher
Leo R. Brown Francis E. Law
John J. Butlak William J. Miller
Lloyd O. Butts Carl W. Minniear
William J. Egan Claude E. Riley
Frank D. Gallagher Milton M. Routzahn

The following-named officers to the grade of lieutenant (junior grade) in the line of the Navy, limited duty only, in lieu of ensign in the line of the Navy, limited duly only, as previously nominated and confirmed:

Kenneth Brown Donald B. McOmie
James V. Carney Donald M. Murdoch
Theodore F. Drag Marler W. Owen
John P. Dutton Plynn J. Pulliam
Norman Huffnagle Herbert E. Reynolds
Willard M. Iverson Edmund L. Wells
Gordon E. Kaufman Hall B. Wessinger

Charles F. Pape to be an ensign in the line of the Navy, limited duty only, in lieu of lieutenant (junior grade) in the line of the Navy, limited duty only, as previously nominated and confirmed.

James A. Gardiner to be a lieutenant commander in the Supply Corps of the Navy, limited duty only, in lieu of lieutenant in the Supply Corps of the Navy, limited duty only, as previously nominated and confirmed.

The following-named officers to the grade of lieutenant (junior grade) in the Supply Corps of the Navy, limited duty only, in lieu of ensign in the Supply Corps of the Navy, limited duty only, as previously nominated and confirmed:

Byron F. McElhannon James F. Simpson
Richard B. Page Byron Uskievich
Albert K. Pavelka

Claude D. Masters to be a lieutenant commander in the Civil Engineer Corps of the Navy, limited duty only, in lieu of lieutenant in the Civil Engineer Corps of the Navy, limited duty only, as previously nominated and confirmed.

Jack J. Jones to be a lieutenant in the Civil Engineer Corps of the Navy, limited duty only, in lieu of lieutenant (junior grade) in the Civil Engineer Corps of the Navy, limited duty only, as previously nominated and confirmed.

Charles M. Gassett to be a lieutenant (junior grade) in the Civil Engineer Corps of the Navy, limited duty only, in lieu of ensign in the Civil Engineer Corps of the Navy, limited duty only, as previously nominated and confirmed.

The following-named officers for permanent appointment in the Supply Corps of the Navy in grades hereinafter stated:

LIEUTENANTS (JUNIOR GRADE)

Bower, Charles J., Jr.
Mize, Harlie L.

ENSIGN

Altieri, Mickelangelo

The following-named officer for permanent appointment in the Civil Engineer Corps of the Navy in the grade hereinafter stated:

ENSIGN

Benton, Joseph H.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28 (legislative day of June 2), 1949:

UNITED STATES PUBLIC HEALTH SERVICE

APPOINTMENTS AND PROMOTIONS IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE

To be surgeon (equivalent to the Army rank of major), effective date of acceptance

Paul A. Lindquist

To be senior assistant dietitians (equivalent to the Army rank of captain), effective date of acceptance

Frances M. Croker Arlene M. Luthi
Marion E. Nichols Annette L. Buza
Clara B. Tavis

Junior assistant dietitians (equivalent to the Army rank of second lieutenant), effective date of acceptance

Gwendolyn E. Dupree Letitia W. Warnock
Lillian Krikorian Rhoda E. Fallin Marshall
Patricia M. Waring
Katherine A. Seubert Joan Wentworth

To be nurse officers (equivalent to the Army rank of major)

L. Dorothy Carroll Ruth L. Johnson
Clarice M. Russell Zella Bryant
Margaret J. Nichols Esther A. Garrison
Lillian A. Gardiner M. Constance Long
Martha B. Naylor Elsie T. Berdan
Evelyn E. Johnson Louise O. Waagen
Frances E. Taylor Ella Mae Hott
Prudence J. Kowalske Catherine L. Mahoney
Grace I. Larsen Daphine D. Doster
Fern M. Dunn Josephine I. O'Connor
Agnes B. Bowe L. Margaret McLaughlin
Margaret F. Knapp
Esther M. Finley Edna A. Clark
Mabelle J. Markee Frances S. Buck
Emily M. Smith Anna M. Matter
Genevieve R. Soller Margaret Denham
Amy E. Viglione Genevieve S. Jones
Alice E. Herzig Elisabeth H. Boeker
Ellwynne M. Vreeland Ruth I. Gillan
Rosalie C. Giacomo Vera P. Hansel
Madeline Pershing Lola M. Hansen
Mabel E. Emge

To be senior surgeon (equivalent to the Army rank of lieutenant colonel), effective date of acceptance

Thomas H. Smith

To be senior nurse officers (equivalent to the Army rank of lieutenant colonel)

Lucile Petry Marie E. Wallace
Mary D. Forbes Florence H. Callahan
Alice R. Fisher Lily C. Hagerman
Pearl McIver Hazel A. Shortal
Marion Ferguson Margaret K. Schafer
Rosalie I. Peterson F. Ruth Kahl
Mary E. Corcoran

To be senior assistant nurse officers (equivalent to the Army rank of captain), effective date of acceptance

G. Alice Boore Florence E. McKerrow
Catherine Bastress Jeanne C. Brooks
Ella L. Muir Florence E. Gareau
Genevieve E. Gaynor Tracy E. Forney
Anne Poore Ann F. Matthews
F. Jean Williams Mary E. Linkel
Jeannette E. Potter Harriette L. Paddleford
Mildred V. Riebel Anna V. Marcinko
Mary L. Casey Rosalie V. Flannery
E. Loretta Anderson Ayrol P. Decker
Mary S. Romer

To be assistant nurse officers (equivalent to the Army rank of first lieutenant), effective date of acceptance

Doris I. Dodds Virginia B. Schroeder
Olga E. Lassik Virginia B. Millard

To be junior assistant nurse officer (equivalent to the Army rank of second lieutenant), effective date of acceptance

Amelia J. McFadden

To be senior assistant nurse officer (equivalent to the Army rank of captain)

Margaret M. Cahalan
Mildred K. McDermott

To be assistant nurse officers (equivalent to the Army rank of first lieutenant)

Anna B. Barnes
Ardyth M. Buchanan

UNITED STATES MARSHALS

Benjamin J. McKinney to be United States marshal for the district of Arizona.

Clifton C. Carter to be United States marshal for the southern district of Texas.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 28, 1949

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, we draw to Thee, not unto One who is an avenging God, but One who is as a high priest touched with a feeling of our infirmities. As we meet the challenges of this hour, enlarge our natures, and yet subject their tendencies; preserve our hearts, and yet destroy their selfishness; control our wills, and yet sustain their courage. Animated by Thy wonderful providence, may we approach our labors with conscientious zeal and with hearts full of sympathy for the needs of our land. O free us from every fear save that of doing wrong; and, walking in Thy strength, help us this and every day to live more nearly as we pray. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.